Engineering Manuals Permitting Packet For New Development and Redevelopment Projects in Fayette County, Kentucky

Lexington-Fayette Urban County Government



August 2019



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This publication was developed by the Tetra Tech / Third Rock Consultants Stormwater Program Management Team under contract to LFUCG for purposes of implementing the stormwater provisions of its Clean Water Act Consent Decree and/or its Kentucky Division of Water (KDOW) Municipal Separate Storm Sewer System (MS4) Permit.

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This document was produced by Tetra Tech for the Lexington-Fayette Urban County Government

Introduction

This permitting packet is intended to help developers and contractors in Fayette County, Kentucky, comply with key local, state, and federal requirements for development and redevelopment projects. These requirements are associated with all phases of the projects, including planning, design, permitting, grading, construction, and post-construction (e.g., maintenance of stormwater management facilities). Regulatory and other information included in this packet is derived from:

Note: This document contains detailed permit information, regulatory requirements, and other details regarding land development and redevelopment. For more information about building codes, building permits, certificates of occupancy, and other requirements for residential and commercial structures, see https://www.lexingtonky.gov/browse/licensing-permits-and-development/building-permits.

- Lexington-Fayette Urban County Government (LFUCG) ordinances;
- LFUCG engineering manuals;
- the Federal district court Consent Decree between LFUCG, the Kentucky Division of Water (KDOW), and the U.S. Environmental Protection Agency (US EPA);
- the state-issued discharge permit for the Municipal Separate Storm Sewer System (MS4); and
- Local, state and federal requirements for right-of-way encroachments, construction projects, soil disturbance in floodplains and near surface waters, and wastewater collection systems.

Sections of this document contain background information, points of contact, sample application forms, regulatory requirements, and submittal information for the items listed in the table below.

Summary Table of Permits / Approvals Associated with Development / Redevelopment Projects

Name of Permit or Approval			7,000		When the Permit/Approval is Required	
Permits and	Permits and Approvals Required for Grading and Other Land Deve					
Local LFUCG Land Disturbance Permit	LFUCG Division of Engineering	Permit Application	When 5000 square feet or more of land will be disturbed, or for construction/demolition of a building			
State KDOW Construction General Permit	Kentucky Division of Water	Application (Notice of Intent)	For land disturbances totaling one acre or more			
Local LFUCG Acceptance of Improvement Plan / Authorization to Construct	LFUCG Division of Engineering	Submittal of plans	As part of the Improvement Plan for a proposed development that includes public infrastructure			
Local LFUCG Approval of Alternative Design for Environmental Water Quality Considerations	LFUCG Planning Commission	Submittal of Report	When the proposed stormwater management plan conflicts with the Zoning Ordinance or Subdivision Regulations			

Name of Permit or Approval	Permitting or Authorizing Agency	Type of Submittal Required	When the Permit/Approval is Required
Permits and App	provals Required for Working	In or Near Streams, Wet	lands, or Other Waters
Federal USACE Clean Water Act Section 404 Permit	U.S. Army Corps of Engineers, Louisville District	Permit Application	When working in or along streams or filling wetlands or other waters
State KDOW Clean Water Act Section 401 Water Quality Certification State KDOW Stream Construction Permit	Kentucky Division of Water	Combined WQC and Stream Construction Permit Application	Whenever a USACE CWA Section 404 permit is required (stream crossings, wetland fills, construction in the floodplain, etc.)
Local LFUCG Special Use Floodplain Permit	LFUCG Division of Engineering	Permit Application	When construction is proposed within a floodplain
Other Permits	and Approvals Required for (Construction of Buildings	s, Roads, and Sewers
Local LFUCG Commercial Agreement to Maintain Stormwater Facilities	LFUCG Division of Water Quality	Executed Maintenance Agreement	When new stormwater management facilities are proposed on commercial land
Local LFUCG Capacity Assurance Program for Sewer Tap-On Permit	LFUCG Division of Water Quality	Permit Application	When a new or redeveloped building will generate additional sewage flow
Local LFUCG Building Permit	LFUCG Division of Building Inspection	Permit Application	When the activity will involve construction of a building
Local LFUCG Demolition Permit	LFUCG Division of Building Inspection	Permit Application	When demolition of a building or parking lot is proposed
Local LFUCG Curb Cut Permit	LFUCG Division of Building Inspection	Permit Application	When a public curb is to be cut
Local LFUCG Lane Closure Permit	LFUCG Division of Traffic Engineering	Permit Application	When necessary to close a lane of traffic
Local LFUCG Right-of- Way Construction	LFUCG Division of Engineering	Permit Application	When construction will occur within an LFUCG right- of-way
State KYTC Right-of-Way Encroachment	Kentucky Transportation Cabinet, District 7	Permit Application	When construction will occur within the state right-of-way
State KDOW Construction Permit for Clean Water Collection Systems	Kentucky Division of Water	Permit Application	For installation / construction of new sewage collection piping
Federal US EPA Class V Injection Well Permit	U.S. Environmental Protection Agency, Region IV	Application to Register	When an infiltration facility or practice will be deeper than it is wide

Overview of the Development and Redevelopment Process

Real estate development and redevelopment typically involves changing the land cover – from pasture grasses to buildings and pavement, for example – and sometimes the land use (e.g., farm to residential or commercial). This process can affect traffic patterns, aesthetics, water quality, public health, and overall quality of life. In order to minimize undesirable impacts of development/redevelopment, Lexington has adopted ordinances and other guidelines that seek to accommodate and enhance both local construction projects and the overall community.

Requirements for the construction of development infrastructure are detailed in the city's engineering manuals, which cover structures, roadways, stormwater management, construction inspection, geotechnical issues, and sanitary sewers / pump stations. Generally, the various phases of a development/redevelopment project include the following elements and activities, which are illustrated in the flow chart in this section (see next page). Subsequent sections provide greater detail on the permits, approvals, or other authorizations related to the following project phases and subtopics:

Planning and Project Design

- Deed, plat and zoning filing and compliance issues
- Roadways, access and utility infrastructure planning
- Grading, infrastructure and building plan design and scheduling

Project Permitting

- Erosion, sediment, and stormwater control plan development
- Submittal of plans and other information for the Land Disturbance Permit
- Application for other environmental permits (i.e., USACE, KDOW)
- Application for local building and/or other permits

Project Construction

- Engineering and infrastructure compliance issues
- Sanitary sewers and stormwater facilities requirements
- Construction phase erosion and sediment control compliance

Web links to the most recent version of the engineering manuals that address the permitting, compliance, and other requirements associated with the activities above are provided below, and in the links listed in the final section of this document.

- Procedures Manual for Infrastructure Development
- Stormwater Manual
- Geotechnical Manual
- Structures Manual
- Roadway Manual
- Construction Inspection Manual
- Sanitary Sewer and Pumping Station Manual
- Standard Drawings

The flow chart on the next page provides a detailed overview of the development process, including actions and responsible parties for planning, design, permitting, construction, and oversight.

INFRASTRUCTURE DEVELOPMENT PROCESS





List of Acronyms:

BMP – Best Management Practice CAP - Capacity Assurance Program

DBI – Division of Building Inspection

DES - Division of Environmental Services

DOE - Division of Engineering

DWQ - Division of Water Quality ESC – Erosion and Sediment Control

FEMA – Federal Emergency Management Agency IDA – Infrastructure Development Agreement KAWC – Kentucky American Water Company

KDOW – Kentucky Division of Water KHBC – Kentucky Housing, Buildings and Construction

KYR10 – Kentucky General Construction Permit KYTC – Kentucky Transportation Cabinet

LDP - Land Disturbance Permit

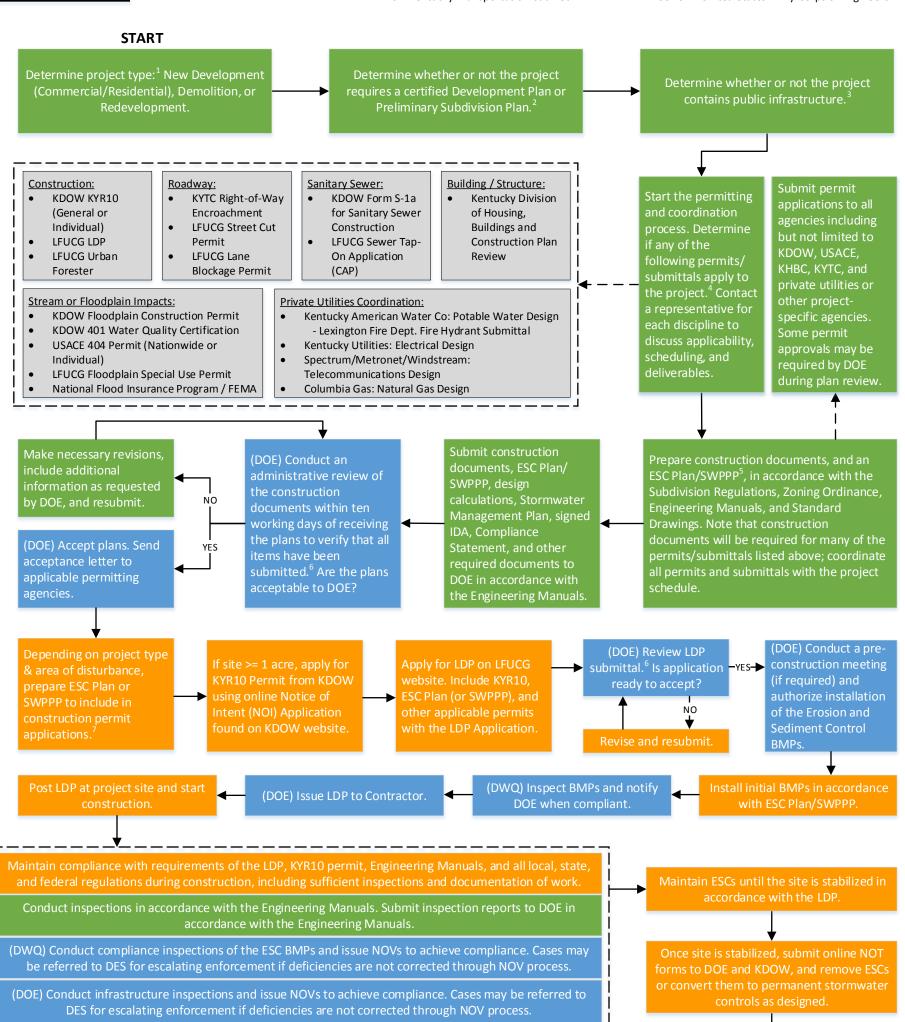
LFUCG - Lexington-Fayette Urban County Government

NFIP - National Flood Insurance Program

NOT - Notice of Termination

NOV - Notice of Violation

SWPPP – Stormwater Pollution Prevention Plan USACE – United States Army Corps of Engineers



Footnotes:

- 1. The project type may help determine if Planning and Zoning approvals are required prior to design. The project type will determine the level of water quality control requirements. If the project is an LFUCG Capital project, specific requirements of the project should be discussed with the project manager.
- 2. Refer to the Division of Planning for detailed information.
- 3. Public Infrastructure is defined as roads, sanitary sewer facilities, and stormwater facilities designated as public infrastructure by the Department of Planning, Preservation, and Development. An Infrastructure Development Agreement (IDA) will be required for projects that contain public infrastructure. Refer to the Procedures Manual for detailed information.
- 4. The Developer/Engineer is responsible for ensuring all required permits are obtained prior to construction. This list is not all inclusive. It contains permits or submittals that are typically encountered during development projects in Lexington-Fayette County.
- 5. The Engineer shall prepare an ESC Plan or SWPPP, based on the project type, in accordance with LFUCG Code of Ordinances Ch. 16 Article X Div. 5.
- 6. DOE performs a summary review to ensure all items have been submitted. The Developer/Engineer shall have sole responsibility for the accuracy of the drawings, calculations, and reports.
- 7. Refer to LFUCG Code of Ordinances Ch. 16 Article X Div. 5 for specific requirements. Note the Contractor may use the ESC Plan/SWPPP prepared by the Engineer; however, the Contractor assumes full responsibility for the plan once submitted.
- 8. Only required for public infrastructure.

At the end of construction, submit the following to DOE:

- Test results and inspection reports
- Record drawings
- Engineer's certification of sediment removal & design volume
- Commercial Agreement to Maintain Stormwater Controls
- Performance/Warranty Surety with cost estimate⁸

Building Permit and Certificate of Occupancy

- For projects that involve recording a plat, DOE will sign the plat only after receiving the above information. DBI will issue Building Permits once the plat is signed.
- For projects that do not involve a plat, DBI will issue a Certificate of Occupancy only after DOE receives the above

Land Disturbance Permit for New Development/Redevelopment

Name of Required Permit or Authorization

Land Disturbance Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Engineering, with input from the Division of Water Quality.

When Is It Needed?

For all soil disturbance activities of any size where a new commercial or residential building is being constructed, for soil disturbances of 500 linear feet or more for utility construction, and for soil disturbance of more than 5,000 square feet that do not involve:

- accepted agricultural land management practices (e.g., plowing, cultivation, home gardens), nursery operations (removal and/or transplanting of cultivated sod, shrubs, and trees, tree cuttings at or above existing ground level) and logging operations that leave the stump, ground cover, and root mat intact.
- individual excavations at cemeteries for human or animal burial.
- seeding and sod replacement where the disturbed land area is less than ten thousand (10,000) square feet and the seeding or sod replacement is completed in less than five (5) calendar days.

What Kind of Information is Required?

Information about the permittee (i.e., the person with operational control of the project, or the owner of the site) and an Erosion and Sediment Control plan describing the project and schedule; the erosion, sediment, and stormwater controls proposed for the construction phase; and a listing of any other permits or authorizations required (e.g., permit for construction in the floodplain or along/across a stream).

Point of Contact for Submittals

Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410

Web Link for More Information

https://www.lexingtonky.gov/departments/engineering; lexingtonky.gov/new-development

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Note: Submit the Land Disturbance Permit application and the Erosion and Sediment Control (ESC) Plan (or Stormwater Pollution Prevention Plan – SWPPP) to the LFUCG Division of Engineering. Requirements for ESC plans can be found in Chapter 11 of the LFUCG Stormwater Manual, which is posted at https://drive.google.com/file/d/0B_VhcJmdL_nhTThoZnJsWlBmZkk/view.

LFUCG Land Disturbance Permit Application & Erosion and Sediment Control Plan Checklist

Li CCO Land Disturbance Fernit Applica	ation & Libsion a	The Sediment Control Flan Checkist VZ3Fe02018
Permittee (Owner or Contractor):		Date:
Contact Person:		Contact Phone:
Site Address:		Zone:
Contractor Name:	Reg #:	Contractor Phone:
Mailing Address:		Email:

Permitting Information and ESC Plan Narrative	Yes	No	N/A	Page#	Notes
KY DOW Construction NOI / KYR10 Permit					Required for disturbance ≥ 1 acre
US ACE Section 404 Permit					Required for stream crossings, wetland fills
KY DOW Stream Construction Permit / WQ Certif.					Required for stream crossings / encroachment
FEMA LOMR or CLOMR					If applicable
Project description and purpose					Brief summary
Land cover, soils, percent impervious area					Pre and post construction
Land cover / land use of adjacent property					Can designate on plan sheets
Work schedule with start/end dates					Sequencing, clearing, grading, revegetation
Phasing plan for large projects					25 acre limit on total disturbed area
BMP installation schedule					Can be included on plan sheets (see below)
Inspection and BMP maintenance schedule					Every 7 days, or every 14 days and after 1/2" rain
Material storage, waste & litter pollution prevention					Covered, away from drainage system, etc.
Fueling / vehicle maintenance pollution prevention					Conducted away from drainage system, etc.
Spill prevention, control, and countermeasures					If reportable quantities present at the site
Dust control plan					Consider if neighbors are present
Stabilized site exit inspection plan					For keeping offsite pavement clear of soil/debris
Stabilization plan and schedule for site areas	1				Seed/mulch/etc. within 14 days of inactivity
ESC Plan Site Map and Drawing Detail (See LFU	CG Sto	vmwa	ter Ma	nual for B	MP Design and Installation Information)
Plans stamped by a licensed professional					Required for engineered plan components
Location of the project; property lines					Include small locational map; street address
Limits of construction, disturbed area location/size					Flag off "no disturbance" areas
Topography and drainage patterns (pre and post)					1" = 50 ft; 2 ft contours
Buildings, utilities, paved areas, ditches, culverts					Show stormwater inlets within 100 ft of site
Retention ponds, detention basins, sediment traps			100		Stabilize immediately after construction
Access and haul roads				-	Consider dust control where neighbors present
Stabilized exit (50 ft #2 rock pad, shaker rack, etc.)					Must drain to a sediment control BMP
Silt fence or etc. at downslope perimeters					Super silt fence along critical areas
Diversion ditches/berms above disturbed areas				1-3	Stabilize immediately after construction
Protection for post-construction BMPs					Keep sediment out of post-construction BMPs
Slope stabilization (seed with mulch/blanket/mat)				-	See Figure 11-1 in Stormwater Manual
Inlet protection measures					Specify type(s) and location(s)
Outlet erosion protection measures					Specify type(s) and location(s)
Ditch stabilization (sod, or seed with blanket/mat)					Stabilize immediately after construction
Sediment basins (> 5 ac) and traps (< 5 ac)					Stabilize immediately after construction
Dewatering sites and methods					Must use sediment controls
50 ft natural vegetated buffer for all critical areas					Applies to streams, wetlands, sinkholes
Stream crossings					Crossing type, detail; USACE 404 permit req'd
Stockpile areas, equipment storage/fueling areas					Keep away from drainage system if possible
Waste and concrete wash water storage/disposal					Show initial area; can be moved as needed
	tus – In	Com	pliance	: Yes	No Additional Info Needed: Yes No
Reviewed By:					Department: DOE DWQ DES

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Construction General Permit for Stormwater Discharges

Name of Required Permit or Authorization:

Stormwater Construction General Permit, also referred to as "KYR10" or the Kentucky Pollutant Discharge Elimination System (KPDES) General Permit for Construction Activities for sites with a disturbed area of one acre or less.

Who Issues It?

The Kentucky Division of Water.

When Is It Needed?

For all construction activities with soil disturbances totaling one acre or more, including activities on smaller lots within a common plan of development that will disturb one acre or more in total.

What Kind of Information is Required?

Information about the permittee (i.e., the person with operational control of the project, or the owner of the site) and a Stormwater Pollution Prevention Plan describing the project, schedule, and the erosion, sediment, and stormwater controls proposed for the construction phase.

Point of Contact for Submittals:

Kentucky Division of Water, Kentucky Pollutant Discharge Elimination System. 300 Sower Boulevard, 3rd Floor, Frankfort, KY 40601. swpbsupport@ky.gov. 502.564.3410

Web Link for More Information:

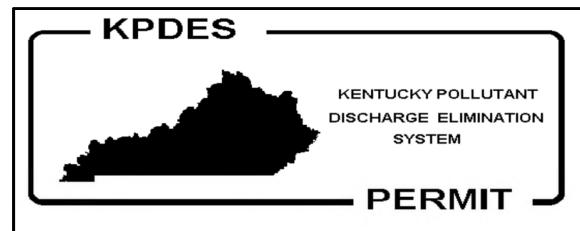
http://water.ky.gov/permitting/Pages/WastewaterDischarge.aspx

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Note: The cover page of the permit is posted on the following page. Use the link above to access the online KPDES permit application web site, the text of the permit itself, and to apply for a Notice of Intent for permit coverage. Submit the Stormwater Pollution Prevention Plan via the web link. The KDOW Stormwater Pollution Prevention Plan and the LFUCG Erosion and Sediment Control Plan can be combined into a single plan. Templates for SWPPPs are available on the KDOW and LFUCG web sites (see http://dca.ky.gov/DCA%20Resource%20Document%20Library/StormwaterPolluti onPreventionPlanExample.pdf, and

http://dca.ky.gov/DCA%20Resource%20Document%20Library/Storm%20Water%20Pollution%20Prevention%20Plan%20Sample.pdf.

After receiving a notice that the project is covered by the permit, implement the Stormwater Pollution Prevention Plan, and keep it onsite. File a Notice of Termination with KDOW once the area is stabilized.



PERMIT NO.: KYR100000 AI NO.: 35050

AUTHORIZATION TO DISCHARGE UNDER THE KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM (KPDES)

Pursuant to Authority in KRS 224,

Stormwater Discharges Associated with Construction Activities

is authorized to discharge from a facility located at

Within any of the 120 counties of the Commonwealth of Kentucky

to receiving waters named

Those water bodies of the Commonwealth that comprise the Mississippi and Ohio River basins and sub-basins within the political and geographic boundaries of Kentucky

in accordance with effluent limitations, monitoring requirements and other conditions set forth in this permit

This permit shall become effective on December 1, 2014.

This permit and the authorization to discharge shall expire at midnight, November 30, 2019.

November 21, 2014

Date Signed

Peter T. Goodmann, Director Division of Water

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601

Printed on Recycled Paper

For full text of permit, see: https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Documents/KYR10PermitPage.pdf

Acceptance of Improvement Plans for Construction

Name of Required Permit or Authorization:

Notification of Acceptance of Improvement Plans for Construction.

Who Issues It?

Lexington-Fayette Urban County Government Division of Engineering.

When Is It Needed?

For residential and commercial developments that include the construction of public infrastructure, such as roads, sewer collection systems, stormwater drainage facilities, etc.

What Kind of Information is Required?

Execution of an Infrastructure Development Agreement is required for residential and commercial developments that include construction of public infrastructure. The agreement includes an Improvement Plan, which provides detail on elements of infrastructure design and construction. Requirements for design and construction are addressed in the LFUCG engineering manuals, which are posted at https://www.lexingtonky.gov/new-development. Details on the requirements related to this agreement can be found in the Procedures Manual for Infrastructure Development, which describes how the Lexington-Fayette Urban County Government manages the design and construction of roads, sanitary sewers and pump stations, and stormwater facilities in developing areas. The Procedures Manual applies to 1) the public infrastructure that is financed and constructed by developers, which later becomes LFUCG property and is operated and maintained by LFUCG, and 2) stormwater controls on private property that are financed and constructed by developers to meet the post-construction stormwater management requirements of the LFUCG Stormwater Manual.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

Web Links for More Information:

https://www.lexingtonky.gov/new-development https://drive.google.com/file/d/0B VhcJmdL nhQVQyeFF1dTBhZG8/view

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Note: The project engineer must coordinate with the LFUCG Division of Engineering, Division of Water Quality, Division of Traffic Engineering, Division of Building Inspection, Division of Planning, Division of Parks, and other agencies to complete the design of all public infrastructure, including a Stormwater Management Plan. After receiving input from LFUCG agencies, private utilities, and other involved parties, the project engineer submits the Improvement Plans to the LFUCG Division of Engineering for an administrative review.

Summarized from the Procedures Manual for Infrastructure Development:

Execution of an Infrastructure Development Agreement is required for residential and commercial developments that include construction of public infrastructure (roads, stormwater and sewer systems, etc.). The agreement includes an Improvement Plan, which provides detail on elements of infrastructure design and construction. The project engineer must coordinate with the LFUCG Division of Engineering, Division of Water Quality, Division of Traffic Engineering, Division of Building Inspection, Division of Planning, Division of Parks, and other agencies to complete the design of all public infrastructure, including a Stormwater Management Plan. After receiving input from LFUCG agencies, private utilities, and other involved parties, the project engineer submits the Improvement Plans to the LFUCG Division of Engineering for an administrative review.

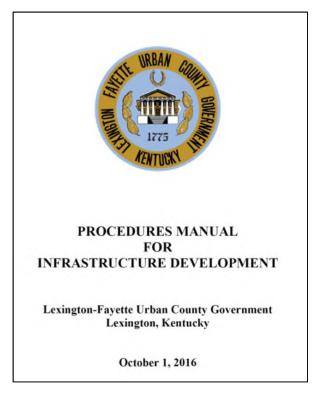
The Division of Engineering conducts an administrative review of the Stormwater Management Plan and the Executive Summary of the Improvement Plan within 10 working days of receipt. The purpose of this review is to 1) verify that all items have been submitted and 2) confirm that the Executive Summary demonstrates compliance with the water quantity and water quality requirements of the Stormwater Manual. The review is not to check for design errors by the engineer – the engineer shall have sole responsibility for the accuracy of the drawings, calculations, and reports.

The Division of Engineering must, within ten working days of receiving the plans, sign the Compliance Statement in Appendix C of the Procedures Manual for Infrastructure Development or notify the

engineer and developer in writing of items that are missing. The plans are considered accepted by LFUCG when the Division of Engineering signs the compliance statement. The Division of Engineering must notify the developer and the engineer in writing when the final plans have been accepted.

When the Improvement Plans have been accepted, the Division of Engineering must confirm with the Division of Water Quality that the sanitary sewer system has sufficient collection, transmission, and treatment capacity. The Division of Engineering must submit a letter to the Kentucky Division of Water stating that LFUCG:

- will accept responsibility for operation and maintenance of the proposed sanitary sewer system upon LFUCG acceptance of the construction
- approves the connection and accepts responsibility for the additional flow
- has adequate collection, transmission and treatment capacity



Approval of Alternative Design for Water Quality Considerations

Name of Required Permit or Authorization:

Lexington-Fayette Urban County Government Approval of Alternative Design for Environmental Water Quality Considerations.

Who Issues It?

Lexington-Fayette Urban County Government Planning Commission.

When Is It Needed?

When a proposed stormwater management plan conflicts with the LFUCG Zoning Ordinance or the LFUCG Subdivision Regulations.

What Kind of Information is Required?

The Planning Commission may approve alternative designs, such as low impact development and green infrastructure, to meet the water quality requirements of the LFUCG Stormwater Manual when it can be demonstrated that the alternative meets the objectives of the manual. More information is provided in the Article 1-5(d) of the Subdivision Regulations.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Planning Commission. Phoenix Building – 7th Floor, 101 East Vine Street, Lexington, KY. 859.258.3160

Web Link for More Information:

https://www.lexingtonky.gov/boards/planning-commission.

Example of Permit/Authorization Application Form or Requirements

The applicant shall provide a written report to the Commission outlining the environmental benefits to be obtained through the alternative design being proposed and the consistency of the alternate designs with low impact development and green infrastructure guidance endorsed by the United States Environmental Protection Agency, including an analysis and justification of the merits of the proposal. The report shall be prepared by an engineer licensed to practice in the Commonwealth of Kentucky.

Clean Water Act Section 404 Permit

Name of Required Permit or Authorization:

Clean Water Act Section 404 Dredge and Fill Permit.

Who Issues It?

U.S. Army Corps of Engineers Regulatory Division in Louisville, Kentucky.

When Is It Needed?

Permit coverage is required for any work in intermittent or perennial streams, wetlands, lakes, or other waters, or for dumping or placing dredged or fill materials in waters of the U.S. This includes laying pipe across or along stream channels, filling wetlands, building dams or berms across streams, installing temporary or permanent stream crossings, armoring bank areas, operating equipment within stream channels, and similar work.

What Kind of Information is Required?

The Corps of Engineers issues either general or individual permits. General (e.g., nationwide or regional) permits cover projects with relatively minor impacts to aquatic organisms and hydrology, such as small wetland fills, temporary stream crossings, and pipeline projects with small footprints. Individual permits cover projects with larger impacts, such as those that involve more than a half-acre of wetland or more than 300 feet of ditching along a stream channel. In all cases, the USACE permit application required detailed information about the applicant, the project, its location, the materials being discharged, reasons for the discharge, and measures that will be taken to avoid and/or minimize any harmful impacts to aquatic resources and hydrology.

Point of Contact for Submittals:

U.S. Army Corps of Engineers, Louisville District Regulatory Division. 502.315.6686. P.O. Box 59, Louisville, KY 40201-0059.

Web Link for More Information:

https://www.lrl.usace.army.mil/Missions/Regulatory/Obtain-a-Permit/.

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

The following pages contain a table describing key USACE Nationwide Permits (NWPs) that apply to the construction and development industry, general construction conditions that apply to all Nationwide Permits — with detailed examples for NWPs #29 and #39, and the application form for a Nationwide Permit. Note the importance of the "Pre-Construction Notification" to the USACE for many of the permits. Also, note that LFUCG requires applicants for Land Disturbance Permits to obtain USACE permits prior to submitting the LDP application to the Division of Engineering.

Summary of Key USACE Nationwide Permits Affecting the Construction and Development Industry

Nationwide Permit	Limits	Pre-Construction Notification (PCN) Threshold	Delineation Required?	Applicable Waters	Other Information
NWP 7 – Outfall Structures and Associated Intake Structures	none	all activities	yes	all waters of the U.S.	Activity must comply with National Pollutant Discharge Elimination System Program.
NWP 12 – Utility Line Activities - General	1/2 acre	 a section 10 permit is required mechanized land clearing in forested wetlands for the ROW discharges that result in the loss of >1/10 acre 	yes, if PCN required	see text of NWP	Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations.
Utility Lines		 utility line exceeds 500 linear feet in waters of the U.S. utility line runs parallel to a stream bed within jurisdictional area 		all waters of the U.S., including navigable waters	Must restore area to pre- construction contours. For overhead utility lines, district engineer coordinates PCN and NWP verification letter
Utility Line Access Roads		 above-grade permanent access roads exceeding 500 ft permanent access roads constructed with impervious materials 		non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Access roads must be constructed to minimize adverse effects to waters of the U.S.
NWP 13 – Bank Stabilization	 500 feet along the bank (unless waived by DE – waivers for bulkheads limited to 1,000 linear feet along the shore) 1 cubic yard per running foot (unless waived by DE) 	 >500 linear feet in length >1 cubic yard per running foot, as measured along the treated bank, below OHWM or HTL discharges into special aquatic sites 	yes, if PCN required	all waters of the U.S.	Activity cannot impair surface water flow into or out of waters of the U.S. Temporary fills must be removed in their entirety and the affected areas returned to preconstruction elevations. Native plant species appropriate for site must be used

Nationwide Permit	Limits	Pre-Construction Notification (PCN) Threshold	Delineation Required?	Applicable Waters	Other Information
NWP 29 – Residential Developments	 1/2 acre 300 linear feet of stream bed, but DE can waive for intermittent and ephemeral streams 	all activities	yes	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	For residential subdivisions, the aggregate total loss of waters of the U.S. cannot exceed ½ acre.
NWP 33 – Temporary Construction, Access, and Dewatering	• none	all activities in navigable (i.e., section 10) waters	yes	all waters of the U.S.	Associated primary activity must be authorized by Corps or U.S. Coast Guard, or be exempt from permit requirements. PCN must include restoration plan.
NWP 39 – Commercial and Institutional Developments	 1/2 acre 300 linear feet of stream bed but DE can waive for intermittent and ephemeral streams 	all activities	yes	non-tidal waters of the U.S., except non- tidal wetlands adjacent to tidal waters	Does not authorize construction of new golf courses or new ski areas. For wind energy generating structures, solar towers, or overhead transmission lines, district engineer coordinates PCN and NWP verification with Department of Defense Siting Clearinghouse.
NWP 43 – Stormwater Management Facilities	1/2 acre 300 linear feet of stream bed but DE can waive for intermittent and ephemeral streams	all activities involving expansion or construction of SWM facilities	yes, if PCN required	non-tidal waters of the U.S., except non-tidal wetlands adjacent to tidal waters	Does not authorize construction of new stormwater facilities in perennial streams. Maintenance does not require PCN if limited to restoring original design capacities. Also authorizes low impact development integrated management features and pollutant reduction green infrastructure features.

US Army Corps of Engineers Nationwide Permit #29: Residential Development

USACE Conditions for NWP # 29 Eligibility

Covers discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2 acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Preconstruction notification in writing to USACE is required for all activities.

US Army Corps of Engineers Nationwide Permit #39: Commercial and Institutional Developments

USACE Conditions for NWP # 39 Eligibility

This permit covers discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses, new ski areas, or oil and gas wells is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer.

Preconstruction notification in writing to USACE is required for all activities.

Special Conditions for All USACE Nationwide Permits

- Projects cannot interfere with navigation.
- Activities cannot disrupt the life cycles or movement of aquatic life.
- Spawning areas must be avoided to the maximum extent practicable.
- Migratory bird breeding areas must be avoided to the maximum extent practicable.
- No trash, debris, car bodies, asphalt, toxic material, or other unsuitable materials are allowed.
- Work around water supply intakes is limited to work on the intake or stabilizing adjacent banks.
- Impoundments must minimize any adverse effects on aquatic systems and flows.
- Pre-construction flows must be restored after construction; work must withstand high flows.
- Fills within the 100-year floodplain must comply with state/local FEMA requirements.
- Heavy equipment working in wetlands or mudflats must be placed on mats.
- Appropriate erosion and sediment controls, including prompt stabilization, is required.
- Temporary fills must be removed and the area revegetated after work is completed.
- Any structure or fill must be properly maintained, to ensure public safety.
- Any activities in Wild and Scenic Rivers require special federal and state approval.
- Activities cannot jeopardize the continued existence of a threatened or endangered species.
- Activities affecting historic properties require special federal and state review and approval.
- Impacts to critical water resources (e.g., Steeles Run in Fayette County) require special review.
- Mitigation may be required by USACE for impacts to streams, wetlands, and other U.S. waters.
- USACE permittees must comply with state water quality certification requirements.
- Each project must be permitted under a single nationwide permit.
- Permits may be transferred upon application to and approval of the USACE.
- Permittees receiving NWP verifications must file a report on the work, including mitigation.
- Each activity must be a single and complete project, with coverage by the same permit.
- NWPs do not eliminate the need for other permits or grant any property rights or privileges.

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U.S. Army Corps of Engineers (USACE)

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved -OMB No. 0710-0003 Expires: 01-08-2018

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense. Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.ml. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: http://dpcid.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/S70115/a1145b-ce.aspx

	(ITEMS 1	THRU 4 TO BE F	ILLED BY TH	E CORPS)			
APPLICATION NO.	2. FIELD OFFIC	2. FIELD OFFICE CODE		3. DATE RECEIVED	4. DATE APPLI	CATION COMPLETE	
	(ITEMS E	BELOW TO BE F	ILLED BY AP	PLICANT)			
5. APPLICANT'S NAME			8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required)				
First - Midd	dle - Last -		First -	Middle	- Last		
Company -			Company -				
E-mail Address -			E-mail Addres	s -			
6. APPLICANT'S ADDRESS:			9. AGENT'S A	ADDRESS:		- 1	
Address-			Address-				
City - State	Zip - Cou	untry -	City -	State -	Zip -	Country -	
7. APPLICANT'S PHONE NOs. W/AREA CODE			10. AGENTS	PHONE NOs. W/AREA	CODE		
a. Residence b. Busin	ness c. Fax		a. Residence	b. Busines	s c.	Fax	
I hereby authorize, supplemental information in su	pport of this permit application			processing of this applic	cation and to furni	sh, upon request,	
			**	JECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (
13. NAME OF WATERBODY, IF KNOWN (if applicable)			14. PROJECT Address	STREET ADDRESS (if	f applicable)		
15. LOCATION OF PROJECT							
Latitude: •N	Longitude: «W		City -	S	tate-	Zip-	
16. OTHER LOCATION DESCRIP	TIONS, IF KNOWN (see instr	uctions)					
State Tax Parcel ID	Mi	unicipality					
Section -	Township -		Range	-			

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PREVIOUS EDITIONS ARE OBSOLETE.

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17. [DIRECTIONS TO THE SITE		
18. N	Nature of Activity (Description of project, include all features)		_
			d
19. F	Project Purpose (Describe the reason or purpose of the project, see instructions)		7
	USE BLOCKS 20-23 IF DREDGED AND/OR FILL MAT	ERIAL IS TO BE DISCHARGED	
20. F	Reason(s) for Discharge		
21. T	Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:		
Type Amou	Type unt in Cubic Yards Amount in Cubic Yards	Type Amount in Cubic Yards	
22. 5	Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)		_
Acres			
or			
	ar Feet		
23. [Description of Avoidance, Minimization, and Compensation (see instructions)		

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24. Is Any Portion of the	Work Already Complete?	Yes No IF	YES, DESCRIBE	THE COMPLET	ED WORK	
25. Addresses of Adjoini	ng Property Owners, Lesse	es, Etc., Whose Prop	perty Adjoins the V	Vaterbody (if more	than can be entered here, please a	ttach a supplemental list).
a Address						
a. Address-						
City -		S	tate -		Zip -	
,						
b. Address-						
City -		St	tate -		Zip -	
7						
c. Address-						
014					71-	
City -		51	tate -		Zip -	
d. Address-						
City -		St	tate -		Zip -	
e. Address-						
City -		St	tate -		Zip -	
26. List of Other Certifica	ites or Approvals/Denials re	eceived from other Fe	ederal, State, or Lo	ocal Agencies for	Work Described in This Ag	oplication.
AGENCY	TYPE APPROVAL*	IDENTIFICATION	N	E APPLIED	DATE APPROVED	DATE DENIED
7,02,101		NUMBER	2		5/112/11/11/01/25	5/1/2 52.11125
						- 1.

	t restricted to zoning, building made for permit or permits			application I co	ortify that this information in	this application is
complete and accurate. I	further certify that I posses					
applicant.						
	E OF APPLICANT	DATE			RE OF AGENT	DATE
	be signed by the person statement in block 11 h			osed activity (a	ipplicant) or it may be si	gned by a duly
18 U.S.C. Section 100	1 provides that: Whoeve	er in any manner w	ithin the juriedia	tion of any den	partment or agency of the	e United States
	falsifies, conceals, or co					
the state of the s	ntations or makes or use	The state of the s	and the second s			
statements or entry, sh	nall be fined not more tha	an \$10,000 or impr	isoned not more	than five year	s or both.	

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Permit for Construction Along or Across a Stream

Name of Required Permit or Authorization:

Permit for Construction Along or Across a Stream.

Who Issues It?

Kentucky Division of Water, Floodplain Management Section. Note that this permit <u>uses the same</u> <u>application form as the Clean Water Act Section 401 Water Quality Certification</u>, also issued by KDOW.

When Is It Needed?

For all construction projects (grading, structures, etc.) that occur within the 100-year floodplain.

What Kind of Information is Required?

Detailed information about the project sponsor / owner, the construction site, its location, activities proposed at the site, the schedule, erosion and sediment control practices to be employed, notification to the local floodplain administrator, and plans to be used during construction. LFUCG Division of Engineering review and signature is required prior to submittal to the Kentucky Division of Water.

Point of Contact for Submittals:

Kentucky Division of Water, Floodplain Management Section. 300 Sower Boulevard 3rd Floor, Frankfort, KY 40601. 502.564.3410; Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

Web Link for More Information:

https://eec.ky.gov/Environmental-Protection/Water/FloodDrought/Documents/StreamConstructionApplication.pdf.

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Submit the completed form (next pages) with a location map, plans for the proposed construction, and plans for public notice. If there is existing flood data on the proposed site (i.e., National Flood Insurance Program flood maps, Corps of Engineers flood studies or previous permit data), then a permit review may begin. If there is no existing data, the submittal of survey information is required in order to perform an in-house flood study of the area. KDOW uses HEC-2 and HEC-RAS computer programs to analyze the effects of the proposed construction on existing flood conditions. From this analysis, construction limits for fills and buildings and required elevations for finished floors or floodproofing can be provided. For all construction, especially bridges and culverts, a check is made to ensure that the project has only minimal impacts on existing flood levels. If denied, a letter is sent with possible options.

If the reviewer determines the project meets all regulatory requirements, a draft permit is prepared. The Floodplain Management Section will notify the applicant, in writing, within 20 working days from the date of receipt of the completed application whether the permit will be approved or denied. Note that a Stormwater Pollution Prevention Plan is required if the project will disturb one or more acres.

COMMONWEALTH OF KENTUCKY ENERGY AND ENVIRONMENT CABINET DEPARTMENT FOR ENVIRONMENTAL PROTECTION DIVISION OF WATER

APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb one or more acres of land, or if the project is part of a larger common plan of development or sale that ultimately will disturb one or more acres, you will also need to complete a Notice of Intent for general permit coverage for storm water discharges associated with construction activities (NOI-SWCA). You may find the forms for Kentucky Pollution Discharge Elimination System (KPDES) at http://www.water.ky.gov/homepage repository/kpdes permit aps.htm or https://dep.gateway.ky.gov/eForms/default.aspx?FormID=7. Return forms to the Floodplain Management Section of the KDOW. This general permit will require you to create and implement an erosion control plan for the project.

Circo nome of	person(s), company, governmental unit, or other owner of proposed project.
	person(s), company, governmental unit, or other owner of proposed project.
	EMAIL:
AGENT:	
Gi	e name of person(s) submitting application, if other than owner.
ADDRESS:	
TELEPHONE #:	EMAIL:
ENGINEER:	P.E. NUMBER:
Contact Division of	Water if waiver can be granted.
	UCTION:
DESCRIPTION OF CONSTR	Describe the type and purpose of construction and describe stream/wetland im
COUNTY:	Describe the type and purpose of construction and describe stream/wetland in NEAREST COMMUNITY:
COUNTY:USGS QUAD NAME	Describe the type and purpose of construction and describe stream/wetland in NEAREST COMMUNITY: LATITUDE/LONGITUDE:
COUNTY:USGS QUAD NAME	Describe the type and purpose of construction and describe stream/wetland in NEAREST COMMUNITY:

10.11.	IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? ☐ Yes ☐ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: ESTIMATED BEGIN CONSTRUCTION DATE:
12.	ESTIMATED END CONSTRUCTION DATE:
13.	HAS AN APPLICATION BEEN SUBMITTED TO THE US ARMY, CORPS of ENGINEERS? ☐ Yes ☐ No
14.	AN APPLICANT FOR A PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM <u>MUST</u> ADDRESS PUBLIC NOTICE:
	(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS: Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit) Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)
	(b) I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:
	Contact Division of Water for requirements.
	* PUBLIC NOTICE FOR 401 WATER QUALITY CERTIFICATIONS IS GOVERNED BY 401 KAR 9:010
15.	I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:
	Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.
16.	LIST OF ATTACHMENTS: List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.
17.	I, (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL
	PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION
18.	WILL OCCUR (for dams, this includes the area that would be impounded during the design flood). REMARKS:
	I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.
	SIGNATURE:
	Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.) DATE:
	SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:
	Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.
	DATE:
	SUBMIT APPLICATION AND ATTACHMENTS TO:
	Floodplain Management Section

LFUCG Permitting Packet v24Aug2019

Division of Water 200 Fair Oaks Lane Frankfort, KY 40601 Revised 12-09

Clean Water Act Section 401 Water Quality Certification

Name of Required Permit or Authorization:

Clean Water Act Section 401 Water Quality Certification.

Who Issues It?

Kentucky Division of Water, Water Quality Branch. Note that this certification <u>uses the same form as the Permit for Construction Along or Across A Stream</u> (previous pages), also issued by KDOW.

When Is It Needed?

For all construction projects (grading, structures, etc.) that occur within the 100-year floodplain.

What Kind of Information is Required?

Detailed information about the project sponsor / owner, the construction site, its location, activities proposed at the site, the schedule, erosion and sediment control practices to be employed, notification to the local floodplain administrator, and plans to be used during construction. LFUCG Division of Engineering review and signature is required prior to submittal to the Kentucky Division of Water.

Point of Contact for Submittals:

Kentucky Division of Water, Water Quality Branch. 300 Sower Boulevard 3rd Floor, Frankfort, KY 40601. 502.564.3410; Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

Web Link for More Information:

https://eec.ky.gov/Environmental-Protection/Water/FloodDrought/Documents/StreamConstructionApplication.pdf.

Example of Permit/Authorization Application Form or Requirements – See Previous Pages

Examples of activities that may require a certification from the Kentucky Division of Water, Water Quality Certification Section are listed below. The following page lists Water Quality Certification Conditions for two common construction-related Nationwide Permits (NWP), NWP #29 and NWP #39.

- Placement of dredged or fill materials into waters of the state and/or wetlands
- Structural fill such as culverts, bridge supports, and road / utility crossings
- Dredging, excavation, channel widening, or straightening
- Flooding, excavating, draining and/or filling a wetland
- Bank sloping; stabilization
- Diverting, obstructing, or changing the natural flow or bed of any waters of the state (e.g. stream channel relocation, stream diversions, debris removal, bank stabilization, culverting)
- Constructing a barrier across a stream, channel, or watercourse that will create a reservoir: dams, weirs, dikes, levees or other similar structures

Kentucky Division of Water Clean Water Act Section 401 Water Quality Certification Conditions for NWP #29 and NWP #39

- The activity will not occur within surface waters of the Commonwealth identified by the Kentucky Division of Water as Outstanding State or National Resource Water, Cold Water Aquatic Habitat, or Exceptional Waters.
- The activity will impact less than 1/2 acre of wetland/marsh.
- The activity will impact less than 300 linear feet of impact to surface waters of the Commonwealth. Realignment of streams and in-stream stormwater detention/retention basins are not authorized under this general certification.
- The activity will not occur within surface waters of the Commonwealth identified as perpetually-protected (e.g. deed restriction, conservation easement) mitigation sites.
- Activities that do not meet the conditions of this General Water Quality Certification require an Individual Section 401 Water Quality Certification.
- The Kentucky Division of Water may require submission of a formal application for an individual certification for any project if the project has been determined to likely have a significant adverse effect upon water quality or degrade the waters of the Commonwealth so that existing uses of the water body or downstream waters are precluded.
- Projects requiring in-stream stormwater detention/retention basins shall require individual water quality certifications.
- Erosion and sedimentation pollution control plans and Best Management Practices must be designed, installed, and maintained in effective operating condition at all times during construction activities so that violations of state water quality standards do not occur.
- Sediment and erosion control measures, such as check-dams constructed of any material, silt fencing, hay bales, etc., shall not be placed within surface waters of the Commonwealth, either temporarily or permanently, without prior approval by the Kentucky Division of Water's Water Quality Certification Section. If placement of sediment and erosion control measures in surface waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in such a manner that may result in instability of streams that are adjacent to, upstream, or downstream of the structures. All sediment and erosion control devices shall be removed and the natural grade restored within the completion timeline of the activities.
- Measures shall be taken to prevent or control spills of fuels, lubricants, or other toxic materials used in construction from entering the watercourse.
- Removal of riparian vegetation in the utility line right-of-way shall be limited to that necessary for equipment access.
- To the maximum extent practicable, all in-stream work under this certification shall be performed under low-flow conditions.
- Heavy equipment, e.g. bulldozers, backhoes, draglines, etc., if required for this project, should not be used
 or operated within the stream channel. In those instances in which such in-stream work is unavoidable,
 then it shall be performed in such a manner and duration as to minimize turbidity and disturbance to
 substrates and bank or riparian vegetation.
- Any fill shall be of such composition that it will not adversely affect the biological, chemical, or physical
 properties of the receiving waters and/or cause violations of water quality standards. If rip-rap is used, it
 should be of such weight and size that bank stress or slump conditions will not be created after it's placed.
- If there are water supply intakes located downstream that may be affected by increased turbidity and suspended solids, the permittee shall notify the operator when such work will be done.

Should evidence of stream pollution or jurisdictional wetland impairment and/or violations of water quality standards occur as a result of this activity (either from a spill or other forms of water pollution), the Kentucky Division of Water shall be notified immediately by calling (800) 928-2380.

Special Use Permit for Floodplain Construction

Name of Required Permit or Authorization:

Special Permit Authorizing Structures or Other Prohibited Land Uses in the Floodplain.

Who Issues It?

Lexington-Fayette Urban County Government Division of Engineering.

When Is It Needed?

Special permits for grading, fill work, buildings, or other structures in the floodplain are required whenever a prohibited structure or land use is proposed within the regulatory floodplain. Special permits may be issued only where existing streets or utilities are at elevations which make construction outside the horizontal limits of the floodplain impractical, or in other special circumstances. Note that land uses that do not generally obstruct the movement of flood waters do not require a Special Permit if they do not include grading, filling, structures, storage of materials and equipment, or any other obstructive features. This includes:

- agricultural uses (e.g., general farming, pasture, farm fencing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, or wild crop harvesting);
- private and public recreational uses (e.g., golf courses, driving ranges, archery ranges, picnic grounds, boat-launching ramps, parks, wildlife and nature preserves, trails, target ranges, etc.;
- residential uses (e.g., lawns, gardens, parking areas, play areas); and
- detention and retention basins when designed and constructed in accordance with the LFUCG engineering manuals and all state and federal regulations.

What Kind of Information is Required?

- Plans drawn to scale showing the nature, location, dimensions, and elevation for the lot, existing or
 proposed structures, obstructions, fill, storage of materials, flood-proofing measures, and the
 relationship of the above to the location of the stream channel, floodway, and the regulatory flood
 protection elevation.
- A typical valley cross-section showing the channel of the stream, elevation of the land area adjoining
 each side of the channel, cross-section of areas to be occupied by the proposed development and
 high-water information.
- Plans (surface view) showing elevations or contours of the ground; pertinent structures, fill or storage
 elevations; size, location, and spatial arrangement of all proposed and existing structures and
 obstructions on the site; location and elevations of streets, water supply, sanitary facilities;
 photographs showing existing land uses, trees, and other vegetation upstream and downstream, soil
 types, and other pertinent information.
- A profile showing the slope of the bottom of the channel or flow line of the stream.
- Specifications for building construction and materials, flood-proofing, water supply, and sanitary facilities; and, where proposed, filling, dredging, grading, and storage of materials.
- Other information as may be necessary to evaluate the proposed development in terms of the flood hazard created.

The Division of Engineering may require the applicant to transmit one copy of the information required above to a designated engineer or other expert person or agency for technical assistance where necessary to aid in evaluating the proposed project in relation to flood heights

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Engineering, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

Web Link for More Information:

https://www.lexingtonky.gov/floodplains-and-flood-management.

Example of Permit/Authorization Application Form or Requirements

Details on Special Permits for floodplains can be found in Article 19 of the LFUCG Zoning Ordinance (see https://drive.google.com/file/d/0B0aBvWAKyfxaYm5nUEUtVmZ4S0k/view). The LFUCG Division of Building Inspection reviews all requests for building or location permits in order to determine whether such requests would require a Special Permit under the provisions of Article 19. Activities requiring a Special Permit are referred to the Division of Engineering. this Article.

Ordinarily, structures must be located outside the horizontal limits of the floodplain and at least two feet above the elevation of the regulatory flood, but may be allowed under a Special Permit if they are elevated or flood-proofed to a point above the regulatory flood protection elevation. Such structures are limited to those that 1) will not be subject to substantial flood damage, and 2) will not substantially affect the capacity of any stream or increase the regulatory flood elevation.

All Special Permit uses must be located outside the horizontal limits of the vegetative buffer zone, and no structure is permitted as a within the floodway. A licensed professional engineer must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the requirements of Article 19.

Building Permit

Name of Required Permit or Authorization:

Lexington-Fayette Urban County Government Building Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Building Inspection.

When Is It Needed?

A building permit is required for the construction of any building or structure, and for the construction of electrical, gas, mechanical, or plumbing systems. This includes residential, commercial, and institutional buildings, warehouses, towers, parking lots, swimming pools, and other structures.

What Kind of Information is Required?

Detailed information about the applicant (name, address, contact information, etc.), the building or construction site (address, subdivision, etc.), the proposed building or construction project (type, square footage, cost, proposed use, wastewater treatment system, etc.), paving and curb cuts needed, and other special instructions and information.

Point of Contact for Submittals:

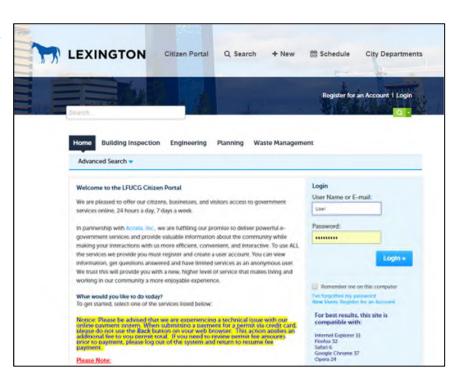
Lexington-Fayette Urban County Government Division of Building Inspection. 101 East Vine Street, Lexington, KY 40507. 899.258.3770

Web Link for More Information:

https://www.lexingtonky.gov/browse/licensing-permits-and-development/building-permits.

Example of Permit/Authorization Application Form or Requirements

The LFUCG Division of Building Inspection maintains an online application form for building



and other permits. Click on the web link above to access the site. The figure at the right shows the permit portal homepage. Applicants can create a user name and choose a password to register, then proceed to enter the required information in the various fields.

Demolition Permit

Name of Required Permit or Authorization:

Lexington-Fayette Urban County Government Demolition Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Building Inspection.

When Is It Needed?

When the demolition of a building, structure, or parking lot is proposed.

What Kind of Information is Required?

The Lexington-Fayette Urban County Government Division of Building Inspection maintains an online application form for Demolition Permits. In order to apply for and receive a permit, the applicant will need the following:

- A certificate of insurance identifying LFUCG as the holder, with coverage for bodily injury, property damage, and worker's compensation insurance.
- An LFUCG Land Disturbance Permit. The type of permit varies according to the project. See the LDP section in this document, or contact the LFUCG Division of Engineering.
- Notification by letter to the owners of all surrounding property owners.
- An asbestos report, which must be obtained from a private agency. If the report is positive, proof of abatement of the asbestos will be required.
- Signed letter of proof of contractor permission, which is a letter from the owner giving the contractor permission to perform the work.
- Sewer plug number, which is issued by the LFUCG Division of Water Quality. To find out the number, contact DWQ at 859.425.2400.
- A plan for demolition, which must be submitted with the application. This needs to be a step-by-step plan of how you intend to take the structure to the ground.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Building Inspection. 101 East Vine Street, Lexington, KY 40507. 899.258.3770

Web Link for More Information:

https://www.lexingtonky.gov/demolition-process.

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

Access the online form via the link above – it is the same portal as the one on the Building Permits page. The LFUCG Division of Building Inspection will provide a list of addresses for properties within 50 feet of the property line. If a property is determined to be architecturally or historically significant, a 30-day hold is placed on the issuance of the permit application to allow for its documentation.

Sanitary Sewer Collection System Construction Permit

Name of Required Permit or Authorization:

Construction Permit Application for Clean Water Collection Systems.

Who Issues It?

Kentucky Division of Water, Kentucky Pollutant Discharge Elimination System Section.

When Is It Needed?

Whenever public or private sewage collection piping is installed to serve new or redeveloped facilities.

What Kind of Information is Required?

Applicant identification information and a description of the facility (homes, businesses, etc.) to be served by the proposed sewer line extension. For example, Knoll Subdivision, Jones' Lane, Smith's Market, and so on. Also required are design drawings, authorization for connection from the receiving wastewater treatment plant, and the KDOW KPDES permit number and other information from the wastewater treatment plant which will receive the waste. Funding sources for the sewer collection system construction is also needed — e.g., state revolving fund, grants, local funds, private funds, etc.

Point of Contact for Submittals:

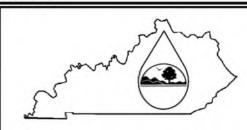
Kentucky Division of Water Infrastructure Branch, Engineering Section. 300 Sower Boulevard 3rd Floor, Frankfort, KY 40601. 502.564.3410.

Web Link for More Information:

http://water.ky.gov/permitting/Pages/WastewaterConstruction.aspx

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

The application form can be found on the next page; an online version is posted at the web site above. Send completed application with applicable enclosures and the applicable permit fee to the address above. Fees range from \$50 to \$800, depending on the type of applicant and nature of the facility receiving the wastewater. The complete requirements for wastewater collection system construction permits are in Kentucky's administrative regulation 401 KAR 5:005; definitions for terms are in 401 KAR 5:002. If state revolving funds (SRF) are involved, see the checklist posted at http://water.ky.gov/Funding/Pages/SRFForms.aspx.



Commonwealth of Kentucky

Energy and Environment Cabinet
Division of Water

for CLEAN WATER COLLECTION SYSTEMS

CONSTRUCTION PERMIT APPLICATION

See the Instructions for more information about selected portions of this application.

Questions on completing this application? Contact the Water Infrastructure Branch at 502/564-3410 or visit our website at http://water.ky.gov for more information.

I. CONSTRUCTION PROJECT INFORMATION				
Project Name:				
Name of WWTP which will treat sewage from this project:				
KPDES Number of the WWTP: KY	WWTP County:			
Name of Receiving Collection System (if Different than WWTP):				
KPDES Number of Receiving Collection System: KY	Project County:			
Project Latitude/Longitude (DMS):	Estimated construction cost of this project: \$			
Provide the funding source(s) for this project:				
CWSRF SPAP Other:				
If the project is SRF funded, is the funding checklist included?				
II. APPLICANT MAILING ADDRESS				
Applicant (Entity paying for construction):				
Street Address:				
City, State, Zip:				
Phone: ()Fax:	E-mail:			
Will ownership be transferred? $\ \Box$ Yes, future owner will be	::			
III. DESIGN CONSIDERATIONS				

A. PLANS AND SPECIFICATIONS COMPLIANCE REQUIREMENTS:

Design plans and specifications shall comply with 401 KAR 5:005 and "Recommended Standards for Wastewater Facilities" ("Ten States' Standards"), 2004 edition. If engineering practices, other than those contained in "Ten States' Standards", were used in the design, indicate the source and the corresponding portion of the design. [See 401 KAR 5:005, Section 7] For plans submitted to this office, one set of plans must have an original signed and dated Professional Engineer stamp. The additional plan set must have either an original signature and dated stamp, or a legible facsimile thereof. Digital plans submitted to this office must contain a stamp, date and verifiable signature as required by 201 KAR 18:104. SRF funded projects shall include at least 1 printed copy of the specifications.

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1 Iulis	una	specification submittals shall meet one of the following options.
□ s	ubm	it at least one paper printed set of detailed plans (no larger than 24" x 36") and a PDF copy of the plans and
s	pecif	fications on CD/DVD. The PDF copy shall contain a stamp, signature, and date. The plans on the CD/DVD
sl	hall d	consist of a single pdf file and be in a folder called "Engineering Plans" and the specifications manual shall be
in	a fo	older called "Specifications".
Пя	Subn	nit a PDF copy of the plans and specifications on CD/DVD. The PDF copy shall contain a stamp, signature,
		ate which complies with the requirements of 201 KAR 18:104. The plans shall consist of a single pdf file and
		a folder called "Engineering Plans" and the specifications manual shall be in a folder called "Specifications".
DESIGN	N EN	GINEER, if the project will become part of a sewer system served by a regional facility. [Section 6]
P.E.'s	Nam	ne:Firm:
		ress:
City, St		
		TY TO PLANS AND SPECIFICATIONS. Provide name of person who will inspect and certify that the constructed
		forms to the approved plans and specifications. If the sewer lines will become part of a sewer system served
1303		
		nal facility, this person must be a professional engineer (P.E.). [Section 3]
		Firm:
Street		13031.1
City, St	tate,	Zip: Phone: (E-mail:
DESIGN	CA	PACITIES. The amount of average daily flow added by the sewer line extension is gpd. The basis
for the	amo	ount of additional flow is
OTHER	INF	ORMATION TO BE SUBMITTED WITH APPLICATION. Place a check (1) by the items that are included in this
applica	ation	or an N/A if the item is not applicable to the project.
	1.	A copy of a USGS 7½ minute topographic map with the locations of the proposed sewer lines shown. [Section 3]
	2.	If modifying, replacing or abandoning an existing facility, a closure plan indicating how the new facility will be
		constructed without a by-pass to a stream and the procedures that will be used for abandoning the existing
		facility. [Section 3]
_	3.	If the project includes a pump station, provide the pump performance curve, design calculations, and detailed
		wet well drawing with elevations. [Section 8]
_	4.	If the project includes gravity sewer lines or force mains, a plan view and a profile view of each. [Section 6]
_	5.	A model of the hydraulic analysis if the project consists of, or is connected to a network of pumps. [Section 8]
_	6.	A brief description of the project, including what is being constructed, who will be served by this project, the
		flow rate, and the flow rate calculations. [Section 8]
	7.	A signed letter from the owner of the proposed sewer line stating that the owner will accept responsibility for
		the operation and maintenance of the sewer line when it is constructed. [Section 8]
	8.	Letters from both the owner of the sewer system and the WWTP stating that they approve the connection and
		accept responsibility for the additional flow. [Section 8]
	9.	A written statement that the portion of the sewer system used by the connection has adequate capacity to
		transport the current and anticipated peak flow to the WWTP and that the portion of the sewer system used
		2- S-1a (10/2017

by the connection is not subject to excessive infiltration or excessive inflow. [Section 8] 10. A written statement that the WWTP has adequate capacity to treat the current and anticipated flow and is no subject to excessive infiltration or excessive inflow. [Section 8] 11. A completed sewer sanctions exemption request form has to be submitted, if the receiving WWTP for this project is on sewer sanction. (Required only when additional flow is added). [Section 9]			
ate Treasurer" for the total amount. Fees do not apply for a 5] If claiming Non-Profit status, provide proof.			
Total Amount: \$			
and all attachments were prepared under my direction or edge and belief, true, accurate, and complete. I am aware including the possibility of fine or imprisonment or both for			
Phone Number (Include area code)			
Date			

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INSTRUCTIONS--Form S-1a

Listed below are explanations of selected questions on Form S-1a. If you need further information about any item, contact the Water Infrastructure Branch, Engineering Section, at 502/564-3410. Send completed application with applicable enclosures and applicable permit fee to the Division of Water, Water Infrastructure Branch, 300 Sower Boulevard 3rd Floor, Frankfort, KY 40601. The complete requirements for construction permits are in Kentucky's administrative regulation 401 KAR 5:005; definitions for terms are in 401 KAR 5:002. Specific cites to 401 KAR 5:005 are given for selected items.

I. CONSTRUCTION PROJECT INFORMATION

Project Name Describe the facility served by the proposed server line extension. For example, Knoll Subdivision, Jones' Lane,

Smith's Market.

KPDES Number This is available from the owner of the WWTP which will receive the waste.

Receiving Collection System Provide the KPDES number for the collection system if the collection system has a Kentucky Inter-system Operating permit (KISOP)(i.e. has over 5,000 LF of sewer line and is owned by a separate entity from the

WWTP). This number can be obtained from the owner of the collection system.

Funding Sources List agencies providing funds to pay construction costs, For example, Kentucky Infrastructure Authority

CWSRF Loan, State grants, Federal Grants, local funds, and private funds.

SRF Checklist Information on the SRF checklist can be found at http://water.ky.gov/Funding/Pages/SRFForms.aspx,

II. APPLICANT INFORMATION

Name Name of the entity paying for construction, not the funding agency (KIA, Rural Development Administration

(former FmHA), etc.) or name of the contractor who is constructing the sewer lines, pump station, or force

mains for another entity.

Address Location where correspondence should be sent, not the address of the project that the sewer line extension will

serve.

Ownership Transfer: If the sewer line extension will be transferred to a municipality or other regional facility, give name of entity that

will be the new owner. Upon transfer, the NEW owner must submit to the Division of Water a "Change in Ownership Certification for Sewer Line Extensions," available from the Water Infrastructure Branch. The

applicant will remain the responsible party until the transfer is completed.

III. DESIGN CONSIDERATIONS

- A. Plans and Specifications. Any deviations from "Ten States' Standards," 2004 edition, must be submitted to the Division of Water in writing with the basis for the deviation, supported by current engineering practice. Other alternative measures may be approved if the applicant submits the basis for the alternatives, and the alternatives may include special maintenance procedures or sufficient treatment. Seals and Signature for electronic shall be incompliance with 201 KAR 18:104
- B. Design Engineer. If the proposed sewer line extension will become part of a sewer system served by a regional facility, the plans and specifications must be prepared, stamped, signed, and dated by a professional engineer, licensed to practice in Kentucky. Give the name, firm, and address of the design engineer.

E. Other Information.

Topo maps are available at the Kentucky Watershed Viewer website at https://eppcgis.ky.gov/watershed/,

9 & 10. An example of the necessary demonstrations would be letters from the owner of the sewer system (7) and the WWTP (8) stating that each had sufficient capacity to transport the current and anticipated flow and that neither is subject to excessive infiltration or excessive infiltration or excessive inflow. Applicants may provide other demonstrations.

V. FEES

Construction Permit Fees are listed in 401 KAR 5:005. The construction permit fee must be submitted with the completed permit application. The fee must be a check or money order, payable to the Kentucky State Treasurer, for the applicable amount as indicated below. Fees are not applicable if the applicant (entity paying for construction) is a publicly owned facility. Examples are DOT rest areas, school facilities, and regional airport authorities.

Facility for Qualified Non-Profit Organization*:	\$ 50
(Pump station or sewer line or force main)	
Small Facility:	\$ 200
(Pump station or sewer line or force main less than 2,500 feet in length)	
Intermediate Facility:	\$ 400
(Pump station or sewer line or force main 2,500 to 5,000 feet in length)	
Large facility:	\$ 800
(Pump station or sewer line or force main more than 5,000 feet in length)	

Enter the category (small, intermediate, or large) and the dollar amount submitted. When determining the fee category, add the total lengths of all pipe to be installed.

* To qualify for the \$50 fee, non-profit organizations must submit proof that they qualify for the reduction under Section 501(c)(3) of the Internal Revenue Code and must own their WWTP which has a capacity of less than 10,000 gpd.

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Sanitary Sewer Capacity Assurance Approval and Tap-On Permit

Name of Required Permit or Authorization:

Sanitary Sewer Capacity Assurance Program Approval and Tap-On Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Water Quality.

When Is It Needed?

Whenever a new development or redevelopment project will increase sanitary sewage volumes, such as construction of a new subdivision or conversion of a retail property to an apartment or restaurant building. Lexington was required to implement a sanitary sewer Capacity Assurance Program (CAP) as part of the federal court Consent Decree with the US EPA. The CAP requires Lexington to first confirm available sewer system capacity before allowing new or expanded connections to the sanitary sewer system.

What Kind of Information is Required?

Applicants can request sewer system capacity by filling out the application form and providing basic information about the proposed development, such as the general location, where it would connect to the sanitary sewer collection system, and how much capacity would be required – i.e., calculated by determining the type of facility, its size, etc. Payment of a non-refundable administrative fee of \$450 is required.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Water Quality, CAP Program and Sewer Tap-On Desk. 125 Lisle Industrial Avenue, Lexington, KY. 859.425.2400.

Web Link for More Information:

https://www.lexingtonky.gov/capacity-assurance-program-0

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

The following pages contain an informational brochure about the CAP program and the application form. Note that the CAP program addresses imbalances in sewer line tap-on availability, because some portions of the sanitary sewer service area lack adequate capacity for new or expanded service connections. Potential applicants should access the Credit Bank Maps online at http://ctims.lexingtonky.gov/ to see if their proposed project is in a capacity limited area. Applicants can apply for a permanent allocation or a sewer capacity reservation. A permanent allocation of sewer capacity does not expire and will be assigned to the parcel(s) identified in the application until utilized or released. A sewer capacity reservation is granted upon approval of a preliminary development plan by the LFUCG Planning Commission. Reservations are granted for one year, with a one-year extension available upon request after payment of an additional non-refundable administrative fee of \$225.

Why does Lexington have a Capacity Assurance Program?

Lexington is required to implement a sanitary sewer Capacity Assurance Program (CAP) as part of the Consent Decree with the United States Environmental Protection Agency (EPA).

The CAP requires Lexington to first confirm available capacity, in accordance with the terms of the Consent Decree, before allowing new or expanded connections to the sanitary sewer system.

Sanitary sewer overflows are a violation of the Consent Decree and a serious problem that can harm the environment and decrease quality of life. As Lexington works to fix its sanitary



sewer system, we will all see the effects of a cleaner, healthier environment and a more efficient wastewater collection system.



For More Information about Water Quality in Lexington

LexCall (859) 425-CALL or 311 lexcall lexingtonky.gov

Lexington's Division of Water Quality (859) 425-2400 or 311 www.lexingtonky.gov/waterquality

Lexington's Department of Environmental Quality & Public Works (859) 425-2800 or 311 www.livegreenlexington.com





CAP Important Information

- Lexington was required to develop a written CAP plan and submit it for approval by the EPA.
- Lexington began implementation of the CAP plan on July 3, 2013.
- Some portions of the sanitary sewer service area lack adequate capacity for new or expanded service connections. Potential applicants should access the Credit Bank Maps online at www.lexingtonky.gov/capacityassurance to see if their proposed project is in a capacity limited area.
- Sewer Capacity Requests must be made in writing on LFUCG provided forms and include a nonrefundable review application fee of \$450.00.
- Sewer Capacity Request applications can result in approval, denial or placement on a waiting list, depending on the amount of capacity requested and the amount of capacity available.
- Details regarding the CAP can be found by accessing the final ordinance link – available online at www.lexingtonky.gov/capacityassurance.

CAPACITY REQUEST QUALIFIED EXCEPTION? Leg Capacity Request into Capacity Can expecity be assigned to develop Tracking information Management YES maint based on qualified exceptions System (CTINES) outlined in the Consent Decree and EFUCE'S CAP ordinance? CALCULATE FLOW INCREASE DECPS Calculate presented flow addition to senitary sewer system. Applicants can avoid heing walthsted by electing to linear e improvements YES to LFDCG's sewer system that offset the flew increase from their proposed DETERMINE LOCATION development. Is developed willing participate in LEUCG's voluntary identify location of proposed flow **Developer Exceed Capacity Program** addition connection to sewer systems. DECESE ADEQUATE CAPACITY? WAITING LIST NO Is there Adequate Capacity in the Request delayed well capacity begravity collection system, transmit. comes available. Capacity is restored sion system, and treatment system? (WHEN CAPACITY by sewer improvements completed by UFUCE and is assigned to appli-AVAILABLE) YES cants on the waiting list on a firstcome. Sint-served basis. ISSUE CERTIFICATION YES Document decision in CTIMS and Insue Capacity Permit.

Understanding the CAP Process

Businesses and other developments that require a sanitary sewer connection can follow these simple steps to find out if there is sanitary sewer capacity available for the project.

1. Applicant fills out Capacity Request Form.

To request sewer capacity, applicants will first complete a Capacity Request Form with basic information about the proposed development to determine the general location where it would connect to the sanitary sewer and how much capacity would be required. Payment of a non-refundable administrative fee of \$450 is required.

Applicant applies for either a Permanent Allocation or a Sewer Capacity Reservation.

A. Permanent Allocation

If the applicant has an approved, qualified Plan on file, the applicant may be granted a permanent allocation of sewer capacity. A permanent allocation of sewer capacity does not expire and will be assigned to the parcel(s) identified in the application until utilized or released.

B. Sewer Capacity Reservation

If the applicant has submitted a Preliminary Development Plan to the Planning Commission, the applicant may be granted a capacity reservation for one year that may be extended for an additional year, by request, upon payment of an additional non-refundable administrative fee of \$225.

Application is reviewed by the Division of Water Quality.

The Division of Water Quality will calculate the sewer capacity needed for the proposed development. If there is adequate sewer capacity in the project area, the capacity request is approved. If not, there may be banked credits available to offset the sewer capacity requested, the application may be placed on a waiting list, or a Developer-Earned Capacity project may be possible. The flowchart to the left details how a capacity request is considered.

 Applicant receives notice about project.
 Applicants will receive written notification that project capacity has been allocated or writisted within 10 calendar days of submitting the Capacity

A. Credits Allocated to Project

If there is sufficient sanitary sewer capacity for the development, the applicant will receive written notification of adequate capacity that clearly identifies the amount of flow increase that will result from the development.

B. Project is Waitlisted

Request Form.

If there is not sufficient sanitary sewer capacity for the project, the project can be waitlisted or made part of a Developer-Earned Capacity Program.

As part of the Remedial Measures Program required by the Consent Decree with the EPA and the Commonwealth of Kentucky, Lexington is improving its sanitary sewer system and increasing capacity. As improvements are made, available capacity will increase and waitlisted applications will be approved on a first come, first-served basis.

How can I learn more?

Additional information about Lexington's CAP Program, including the complete ordinance, can be found at: www.lexingtonky.gov/capacityassurance

To request a Capacity Request Form, contact: Sanitary Sewer Tap-on Desk (859) 425-2400 or LexCall at 311

For more information about CAP, contact: CAP Manager (859) 425-2400

SEWER CAPACITY APPLICATION

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Environmental Quality & Public Works
Division of Water Quality



Notice to Applicants:

This application form and supporting documentation must be completed in its entirety and submitted to the Lexington-Fayette Urban County Government's Sanitary Sewer Tap-On Desk per Article XIII of Chapter 16 of the Code of Ordinances and Sections 16-301 through 16-306; and Section 5-30 of the Code of Ordinances. The Sanitary Sewer Tap-On Desk is located at 125 Lisle Industrial Ave., Suite 180 and may be reached at (859) 258-3433.

Applicants will receive written notification that sewer capacity has been allocated or waitlisted within 10 calendar days of submitting the Sewer Capacity Application. Capacity requests may be delayed if the application form is unsigned or contains incomplete or missing information.

Payment of an Administrative Fee of \$450.00 and a Capacity Reservation Deposit is required prior to approval of the capacity request. The Capacity Reservation Deposit is equal to 25% of the estimated tap permit fee. The Capacity Reservation Deposit will be credited toward the applicant's sewer tap permit fee. Checks shall be made payable to the Lexington-Fayette Urban County Government.

By signing this document, the applicant hereby certifies that all the information provided in this application submittal is true and accurate to the best of their knowledge.

Applicant's Printed Name:	Date:
Applicant's Signature:	
Owner's Printed Name (Required only if Different from Applicant)*:	Date:
Owner's Signature (Required Only if Different from Applicant)*:	
*Owner's signature may be substituted in lieu of authorized docu	Official Use Only:
Application Submittal Date: Application Submittal Time: Application Payment Amount: Method of Payment/Check #:	Admin Fee Waived? YES NO Expansion Area 2 Residential Remodel (no increase in dwelling units) Flow increase less than 45 gpd Residential development with plat of record Grandfather Illicit connection removal / Septic Conversion

Sewer Capacity Application Lexington-Fayette Urban County Government

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SEWER CAPACITY APPLICATION

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Environmental Quality & Public Works Division of Water Quality



PLAN II	NFORMATION	
Box 1:	Has the Planning Commission approved your Preliminary Subdivision Plan (PSP) or Final Development Plan (FDP) for this project?	Y / N
	If Box 1 is "Yes" you must indicate the Plan Identification Number in Box 13 and Plan Approval Date in E	lox 14.
Box 2:	If "No" in Box 1: Has a Preliminary Development Plan (PDP) been submitted for this project?	Y/N
	If Box 2 is "Yes" you must indicate the Plan Identification Number in Box 13 and Plan Approval Date in B	ox 14
Box 3:	Does the Plan on file with the Planning Commission (and identified in Box 13) accurately reflect the currently proposed development associated with this sewer capacity request? (Yes/No)	Y / N
	If Box 3 is "No", then applicant must attach a copy of an updated development or subdivision plan.	
PPLIC	ANT INFORMATION	
	ion listed as the Contact is identified as the Owner's Representative. Submit documentation as Owner's representative teg, signed letter from Owner)	
Bo	x 5: Contact Name Box 6: Contact Phone Box 7: Contact E-mail	
	Day Comet D'Indi	
	Box 8: Contact Address (w/ City, State, Zip)	
	Comment reduces (in City, State, Zip)	
Re	x 9: Owner Name Box 10: Owner Phone Box 11: Owner F-mail	
	Box 10: Owner Phone Box 11: Owner E-mail	
	Box 12: Owner Address (w/ City, State, Zip)	
ROPER	TY/DEVELOPMENT INFORMATION	
Box 13: I	lan ID No. (e.g. 2000-100) Box 14: Plan Approval Date Box 15: Plan Type (e.g. PSP, FDP, or PDF	
	Downs. Train Type (e.g. FSF, FDF, of FDF)
Box 16: 5	Subdivision Name & Lot Number (if address unknown) Box 17: Developer Entity/Name	
	BOX 17. Developer Entity/Name	
Box 16A:	Property Address	
Box 18: T	otal Area of Project Site (Acres): Box 19: Current Zoning Designation:	
	this development an expansion of an existing commercial structure? (Y/N)	Y / N
f Box 20	s "Yes", please briefly describe:	
3ox 21:	Is this request located within the LEUGOLLI Co. 1. D. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	
	Is this request located within the LFUCG Urban Service Boundary? (Y/N)	Y / N
30x 22:	Is there existing water service on-site? (Y/N)	Y / N
Sox 23:	Is there an existing sanitary sewer connection on-site? (Y/N)	Y / N
lox 24:	What is the Estimated Capacity Total from Line 41 on Page 3 of this application?	
dditiona	Comments:	
	ompleted Sanitary Sewer Tap-on Desk (Tate Building) (8	59) 258-343
nnlicat	ion to:	- 5:00 (M-I

Sewer Capacity Application Lexington-Fayette Urban County Government

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SEWER CAPACITY APPLICATION

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Environmental Quality & Public Works

Division of Water Quality



Line			Total Post- Developed Number of Units		Total Existing Units		Unit		Unit Rate in Gallons Per Day (GPD)		Requested Capacity Subtotal (GPD)
1	Single Family Residence	(-		T	Units	x		=	(0.2)
2	Townhome	(-		T	Units	x	192		
3	Efficiency Apartment	(-		T	Units	x	100	=	
4	1-bedroom Apartment	(-		T	Units	x	138	=	
5	2-bedroom Apartment	(-		1	Units	x	175	=	
6	3- or 4-Bedroom Apartment	(1-1		b	Units	x	192	=	
7	Duplex			1-1		Ď	Buildings	x	384	=	
8	3-Plex	(I-I		b		x	576	=	
9	4-Plex	(-		1		x	768	=	
	Hotel/Motel	0		-		1	Units	x	138	=	
	Hospital	0		-		1	Beds	x	300	=	
12	Nursing Home	1		-		Ď	Beds	x	150	=	
13	University Dorm (Water Efficient)	(-		5	Capita	x	25	=	
14	University Dorm (Traditional)	1		-		ħ	Capita	X	75	=	
15	Cafeteria	(-		Ď	Capita	x	2.5	#	
16	Catering hall	0		1		ĥ	Capita	x	7.5	=	
17	Schools	1		-		ń	Students	x	20	=	
	Non-Medical Office	(1		ń	Sq. Feet	X	0.06	=	
19	General Industrial	d		-		ń	Sq. Feet	X	0.04	=	
20	Medical Arts (e.g. Doctor's Office)	d		1		ń	Sq. Feet	X	0.10	=	
	Theatre	d		7		Ś	Seats	x	5	+	
22	Bowling Alley	1		1		ń	Lanes	x	100	=	
23	Church	(1		ń	Capitas	x	1.5	=	_
24	Bar/Lounge/Disco	0		-		Ś	Seats	x	15	-	
25	Restaurant (With Dishwasher)	d		-		ń	Seats	X	30	=	
26	Restaurant (Fast Food)	1		-		ý	Seats	x	20	=	
27	Convenient Store (Food Processing)	(+		Í	Sq. Feet	x	0.15	-	
	Dry Store	(+		ý	Sq. Feet	x		+	
29	Market	(+		5	Sq. Feet	x		+	
30	Service Station	(+		5	Pumps	x		+	
31	Shopping Center (With Food)	d		1		7	Sq. Feet	X		+	
32	Shopping Center (Without Food)	ď	1.	+		1	Sq. Feet	x		-	
	Warehouse	(+		1	Sq. Feet	X		+	
34	Barber Shop/Beauty Salon	1		+		1		X	200	+	
	C OI I	d		+		1	Sq. Feet	X		+	
	Swimming Pool	1		+		1	Capita	X		+	
_	Laundry	1		+		1	Washers	X		+	
	Car Wash	ì		+-		1	Bays	_	40.00	-	
\rightarrow	Fitness Center	ì		+		1	Sq. Feet	X		+	
$\overline{}$	Other/Manual Entry *	1		+		#	GPD	X	0.50	+	
11			ines 1 thro	_							

^{*} If Other/Manual Entry utilized, applicant must provide the source/basis for the Unit Rate assumed.

Sewer Capacity Application Lexington-Fayette Urban County Government

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Commercial Agreement to Maintain Stormwater Facilities

Name of Required Permit or Authorization:

Commercial Agreement to Maintain Stormwater Controls.

Who Issues It?

Lexington-Fayette County Division of Water Quality.

When Is It Needed?

For all commercial properties containing stormwater management facilities or controls, such as curb inlet filters or other inlet devices, infiltration systems (e.g., rain gardens, pervious pavement, infiltration swales, etc.), vegetated riparian (streamside) buffers, detention basins, retention ponds, green roofs, rainwater harvesting systems, or other features installed or built to meet the permanent post-construction stormwater control requirements of the LFUCG Stormwater Manual.

What Kind of Information is Required?

Information about the property owner, the property itself, and the stormwater control facilities or features on the property, including the as-built installation drawings and the operation and maintenance plan for each type of facility/feature on the site.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Water Quality, Municipal Separate Storm Sewer System Section. 125 Lisle Industrial Avenue, Lexington, KY. 859.425.2400.

Web Link for More Information:

https://www.lexingtonky.gov/stormwater-and-storm-sewer-system.

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

The following pages contain the agreement form, found in Appendix F of the LFUCG Procedures Manual for Infrastructure Development. Note that the manual describes how the Lexington-Fayette Urban County Government manages the design and construction of roads, sanitary sewers and pump stations, and stormwater facilities in developing areas. The Procedures Manual applies to 1) the public infrastructure that is financed and constructed by developers, which later becomes LFUCG property and is operated and maintained by LFUCG, and 2) stormwater controls on private property that are financed and constructed by developers to meet the post-construction stormwater management requirements of the LFUCG Stormwater Manual.

APPENDIX F

Commercial Agreement to Maintain Stormwater Controls

This Agreement contains specific provisions related to the maintenance of permanent stormwater controls (water quantity or water quality) that were constructed to meet the post-construction requirements of the LFUCG Stormwater Manual.

For information on LFUCG's maintenance requirements for permanent stormwater controls, refer to Sections 16-84 to 16-88 and Sections 16-200 to 16-213 of the LFUCG Code of Ordinances, and LFUCG's Policy Statement on Repair, Maintenance, and Ownership of Stormwater Control Devices.

TO BE FILLED OUT BY THE PROPERTY OWNER (PAGES 1 & 2)	
DEVELOPMENT NAME:	-
PROPERTY SITE ADDRESS(ES):	-
PERMANENT STORMWATER CONTROL FACILITIES: List all permanent controls in service on the site at the completion of the development project describe the plan for maintenance for each control. The maintenance plan can be one of the folio (1) a reference to the manufacturer's recommended schedules and procedures, and/or (2) a described below or in an attachment.	wing
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As current property owner of the aforementioned property, or authorized representative thereof, I:

- Certify that I am aware of my responsibilities related to permanent stormwater controls.
- Agree to implement the maintenance program included herein or attached.
- Agree to maintain the permanent stormwater controls in good working condition, acceptable to LFUCG, so that they are performing their design functions.

	Signature	Printed
Name		
	Date	Title
Organization		
	Property Owner's Contacts for Complian	
Final Construction Inspect	ion: Owner or Representative Name:	
Phone Number:	E-Mail:	
Post-Construction Mainten	ance: Owner or Representative Name:	
Organization:	Address:	
Phone Number	F-Mail:	

Urban County Government Contact for Compliance

Representative Name	Jennifer Carey, P.E	. (MS4 / Water Qu	uality Section Manager)
Organization: LFU	CG DWQ	Address:	125 Lisle Industrial Ave., Suite 180
		_	Lexington, KY 40511
Phone Number:	859-425-2400	E-Mail:	MS4@lexingtonky.gov
			CT FOR COMPLIANCE
			amendments dated:
YES NO	This site has permanent Stormwater Controls In	ventory & Mainte	
☐ I have received project phases. ☐ I have received a ☐ N/A	contact information for	ance Plan (descril the Final Constri vings and the Cert	bed above or in a separate attachment). uction Inspection and Post-Construction tificate of Substantial Completion
	Sis	gnature	
LFUCG Contact for	Compliance		
LFUCG PROCEDURE	ES MANUAL.	F-3	October 1, 2016

Class V Underground Injection Well Permit

Name of Required Permit or Authorization:

US EPA Class V Underground Injection Control Well Permit.

Who Issues It?

U.S. Environmental Protection Agency, Region IV.

When Is It Needed?

Whenever stormwater or other fluids move underground via a device or structure that is deeper than it is wide, e.g., dry wells, septic systems, underground infiltration systems, etc.

What Kind of Information is Required?

Detailed information about the site owner, address and contact information, site location (address and latitude/longitude), well/facility type, number of wells/facilities, status (i.e., plugged or not plugged), well depth, injection purpose, fluid being injected (e.g., stormwater, floor drain wastewater, etc.), source of fluids being injected, dispersal direction (i.e., downward, laterally), other permits covering the site, and comments or other information.

Point of Contact for Submittals:

U.S Environmental Protection Agency, Groundwater / Underground Injection Control Section. 61 Forsyth Street SW, Atlanta GA 30303-8960. 404.562.9423

Web Link for More Information:

https://www.epa.gov/uic/class-v-wells-injection-non-hazardous-fluids-or-above-underground-sources-drinking-water.

Example of Permit/Authorization Application Form or Requirements

Most Class V wells are shallow disposal systems that depend on gravity to drain fluids directly in the ground. Over 20 well subtypes fall into the Class V category. Class V wells are registered under a "permit by rule" approach, where permit coverage is granted for wells that are 1) placed on the US EPA / state inventory or registry, which includes the detailed information described above, and 2) operated and maintained in accordance with US EPA Class V UIC regulations.

The regulations note that most Class V wells are used to dispose of wastes into or above underground sources of drinking water. This disposal can pose a threat to groundwater quality if not managed properly. The regulations are intended to prevent drinking water aquifer contamination. This includes keeping hazardous wastes – such as oils, fuels, antifreeze, etc. – out of stormwater flows to the maximum extent practicable, and ensuring that stormwater facilities are not used for dumping or illicit disposal of wastes.

See the web link above for more information.

Curb Cut Permit

Name of Required Permit or Authorization:

Curb or Street Cut Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Building Inspection.

When Is It Needed?

Whenever a curb on a public roadway is to be cut, i.e., for construction of a new driveway or access road. The permit is required when any person intends to depress the curb or change the grade of any public sidewalk for the purpose of constructing or reconstructing or altering a driveway, either residential or nonresidential, to provide ingress to and egress from property owned by them or under their control.

What Kind of Information is Required?

Information on the applicant, the site, and a plat and plan of the area to be improved. The plat must be drawn to a scale of not less than one-eighth inch to one (1) foot and with all principal dimensions shown. Show the location of all existing walks, curbs and the relative elevation of the gutters, the top of the curb, and the sidewalk; all existing trees, their size and kind, fire hydrants, mailboxes, traffic signs, water shutoff boxes, storm sewer inlets, utility poles and conduits, and any other structure existing on or in the street adjacent to the property. Also, show the proposed location of tanks, buildings, air hoses, wash racks, oil pits, pump islands, and all other equipment which the applicant proposed to install on the property, together with the distance from such equipment to the street property line.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Building Inspection. 101 East Vine Street, Lexington, KY 40507. 899.258.3770

Web Link for More Information:

https://www.lexingtonky.gov/right-way-management.

Example of Permit/Authorization Application Form or Requirements

Applications for curb or street cut permits are collected via a link at the web site above. Drawings and other information can be submitted through the web site along with information about the applicant and site. Driveway widths must not exceed twelve (12) feet for a single driveway or twenty (20) feet for a double or joint driveway. Before issuing a permit, LFUCG staff will determine the type of driveways proposed, its width and location, and whether or not construction will create a hazardous condition. Installation or construction must occur in a safe manner, with adequate barricades and lights to protect the safety of the public using the adjacent streets and sidewalks. All debris and surplus material shall be removed immediately after construction. Other rules can be found in Chapter 17C of the LFUCG Code of Ordinances, which can be accessed via the web link above.

Lane Closure Permit

Name of Required Permit or Authorization:

Lexington-Fayette Urban County Government Temporary Lane / Right-of-Way Blockage Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Traffic Engineering.

When Is It Needed?

When construction operations require the closing of a sidewalk or one or more lanes of roadway traffic.

What Kind of Information is Required?

The online permit request form is posted at the link below. The form requires information about the applicant, the project sponsor, detailed contact information, type of request (e.g., closing a single lane, entire street, sidewalk only, dumpster siting, etc.), location of the activity, and start/stop dates and times for the closure. A traffic control plan is also required (see below and next page).

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Traffic Engineering. 101 East Vine Street, Lexington KY. 859.425.2255.

Web Link for More Information:

https://www.lexingtonky.gov/lane-closure-permit.

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

The online form for permit coverage is at https://lexingtonky.formstack.com/forms/lane_blockage. There is no charge for this permit and it is mandatory when blocking any portion of a street within Fayette County. Blockages may be related to construction activities, installation and/or repair of facilities, crane work, equipment siting, utility projects, or placing a dumpster or storage container. The Division of Traffic Engineering requires a two (2) working day notice (before noon) in order to process permit and to allow time for notice to Police, Fire, Public Information and the Traffic Information Network. The only exception to this is for emergency repairs, which requires the contractor to notify Traffic Engineering, Police, and Fire.

Note that the Lexington-Fayette Urban County Traffic Engineering allows traffic lane closures from 9:00 am until 3:00 pm only; other requested times may cause a delay in issuing the permit. All entities are required to use approved work zone traffic control procedures. The Manual on Uniform Traffic Control Devices guides these work zone activities. The Division of Traffic Engineering has copies of the Traffic Control in Work Zones available upon request. Government agencies, utility companies and contractors are required to provide traffic control devices as deemed necessary to relay to motorists/pedestrians of the work zone activity and modifications to the anticipated route. Drainage ditches, culverts, and other facilities must not be impeded by the work.

Local Right-of-Way Construction Permit

Name of Required Permit or Authorization:

Right-of-Way Construction Permit.

Who Issues It?

Lexington-Fayette Urban County Government Division of Engineering, Right-of-Way Management

When Is It Needed?

When construction will occur within an LFUCG right-of-way, or within a state right-of-way in Fayette County except for along New Circle Road (KY 4) and Interstates 64 and 75. Right-of-way means the surface of and the space above and below a public roadway, highway, street, freeway, lane, path, sidewalk, alley, court, boulevard, avenue, parkway, cartway, bicycle lane or path, public sidewalk, or easement held by the government for the purpose of public travel. It does not include the communication airwaves above a right-of-way or greenways. Note that installing facilities in a greenway requires separate approval from the Division of Environmental Services, Division of Engineering, Division of Water Quality, and other city agencies, depending on project location and type.

What Kind of Information is Required?

Detailed information about the applicant, project sponsor, nature of activities, location, and the type of construction – including the time period involved, areal extent, physical description of any encroachment, and measures that will be taken to eliminate or minimize any disruptions to the public and any threats to public safety or the environment. Note that a separate Land Disturbance Permit, Road/Curb Cut Permit, Lane Closure Permit, and/or other permits/authorizations may also be needed.

Point of Contact for Submittals:

Lexington-Fayette Urban County Government Division of Engineering, Right-of-Way Management, 101 East Vine Street, Lexington KY. Phone: 859.258.3410.

Web Link for More Information:

https://www.lexingtonky.gov/right-way-management.

Example of Permit/Authorization Application Form or Requirements

Note that a permit fee and performance bond are required. Chapter 17C of the LFUCG Code of Ordinances establishes public policy for managing rights-of-way in Lexington. The ordinance governs the placement and maintenance of facilities, provides for reasonable access, seeks to minimize street cuts and damage to property, and promotes cooperation among city offices, utilities, and other public/private parties using public rights-of-way. LFUCG may require that work be coordinated with other contractors and may require removal or changes to any activities deemed to threaten use of the right-of-way or public safety. Any property damaged during construction must be repaired or replaced within 21 days. The removal or trimming of trees in the right-of-way must comply with LFUCG's street tree, tree protection, and other ordinances.

State Right-of-Way Encroachment Permit

Name of Required Permit or Authorization:

Kentucky Transportation Cabinet (KYTC) Right-of-Way Encroachment Permit.

Who Issues It?

Kentucky Transportation Cabinet District 7 Office in Lexington.

When Is It Needed?

When construction activities – including clearing, grubbing, grading, or installation or construction of any type of facilities – will occur within a state right-of-way. LFUCG also requires a local right-of-way construction permit when working in the state right-of-way (see previous section). The applicant must get the state KYTC permit first, then get the LFUCG permit.

What Kind of Information is Required?

Detailed information about the applicant, project sponsor, nature of activities, location, and the type of encroachment requested – including the time period involved, areal extent, physical description of the encroachment, and measures that will be taken to eliminate or minimize any disruptions to the public and any threats to public safety or the environment. Note that a separate Land Disturbance Permit and/or other permits/authorizations may also be needed.

Point of Contact for Submittals:

Kentucky Transportation Cabinet, District 7 Office. 800 Newtown Court, Lexington, KY 40511. 859.246.2355. Fax: 859.246.2354

Web Link for More Information:

https://transportation.ky.gov/DistrictSeven/Pages/District-7-Permits.aspx.

Example of Permit/Authorization Application Form or Requirements – See Next Page(s)

The permit, including the application (next pages) and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the applicant and its successors as long as the encroachment(s) exists, until the permittee is finally relieved by the Department of Highways from all its obligations. Applicants must meet all requirements of the Clean Water Act if the project will disturb one acre or more, and the applicant must obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas must meet the requirements of the Department of Highway's Standard Specifications, Sections 212 and 213, as amended.

A performance bond and liability insurance are required. Perpetual maintenance of the encroachment is the responsibility of the permittee. An encroachment may be ordered removed by KYTC at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The cost of removing the encroachment and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.



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7.1.	Elektrontron	ENCROACHMEN	**			
		КҮТ	C KEPT #:			
SECTION 1: APPLICANT CONTAC	TINFORMATION					
NAME	ADDRESS		CITY			
EMAIL			STATE	ZIP		
CONTACT NAME 1	EMAIL		PHONE #			
			CELL#			
CONTACT NAME 2 (if applicable)	EMAIL		PHONE #			
			CELL#			
SECTION 2: PROPOSED WORK L	OCATION					
ADDRESS	CITY		STATE Kentucky	ZIP		
COUNTY	ROUTE #	MILE POINT	LONGITUDE (X)	LATITUDE (Y)		
	FOR	KYTC USE ONLY				
Permit Type: Air Right Er	ntrance Utiliti	es Vegetation F	Removal Other:			
ocation: Left Ri	ght Cross	ing				
Access: Full Pa	artial by Pe	rmit				
SECTION 3: GENERAL DESCRIPT	ON OF WORK					
THE UNDERSIGNED APPLICANT(S UNEDITED TERMS AND CONDITION			owner(s), DO AGREE TO A	LL <u>ORIGINAL</u>		
SIGNA	TURE		DATE			
This is not a permit unless and shall become void if not approve from the date the applicant sub-	ed by the cancellation	n date. The cancellation				



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APPLICATION FOR ENCROACHMENT PERMIT

TERMS AND CONDITIONS

- The permit, including this application and all related and accompanying documents and drawings making up the permit, remains in effect and is binding upon the Applicant/Permittee, its successors and assigns, as long as the encroachment(s) exists and also until the permittee is finally relieved by the Department of Highways from all its obligations.
- Applicant shall meet all requirements of the Clean Water Act if the project will disturb one acre or more, the applicant shall
 obtain a KPDES KYR10 Permit from the Kentucky Division of Water. All disturbed areas shall meet the requirements of the
 Department of Highway's Standard Specifications, Sections 212 and 213, as amended.

3. INDEMNITY:

- A. PERFORMANCE BOND: The permittee shall provide to the Department a performance bond according to the Permits Manual, Section PE-203 as a guarantee of conformance with the Department's Encroachment Permit requirements.
- B. PAYMENT BOND: At the discretion of the department, a payment bond shall be required of the permittee to ensure payment of liquidated damages assessed to the permittee.
- C. LIABILITY INSURANCE: Liability insurance shall be required of the permittee (in an amount approved by the department) to cover all liabilities associated with the encroachment.
- D. It shall be the responsibility of the permittee, its successors and assigns, to maintain all indemnities in full force and effect until the permittee is authorized to release the indemnity by the Department.
- A copy of this application and all related documents making up the approved permit shall be given to the applicant and shall be made readily available for review at the work site at all times.
- Perpetual maintenance of the encroachment is the responsibility of the permittee, its successors and assigns, with the approval of the Department as required, unless otherwise stated.
- 6. Permittee, its successors and assigns, shall comply with and agree to be bound by the requirements and terms of (a) this application and all related documents making up the approved permit, (b) by the Department's Permits Manual, and (c) by the Manual on Uniform Traffic Control Devices, both manuals as revised to and in effect on the date of issuance of the permit, all of which documents are made a part thereof by this reference. Compliance by the permittee, its successors and assigns, with subsequent revisions to applicable provisions of either manual or other policy of the Department may be made a condition of allowing the encroachment to persist under the permit.
- 7. Permittee agrees that this and any encroachment may be ordered removed by the Department at any time, and for any reason, upon thirty days written notice to the last known address of the applicant or to the address at the location of the encroachment. The permittee agrees that the cost of removing and of restoring the associated right-of-way is the responsibility of the permittee, its successors and assigns.
- 8. Permittee, its successors and assigns, agree that if the Department determines that motor vehicular safety deficiencies develop as a result of the installation or use of the encroachment, the permittee, its successors and assigns, shall provide and bear the expenses to adjust, relocate, or reconstruct the facilities, add signs, auxiliary lanes, or other corrective measures reasonably deemed necessary by the Department within a reasonable time after receipt of a written notice of such deficiency. The period within which such adjustments, relocations, additions, modifications, or other corrective measures must be completed will be specified in the notice.
- 9. Where traffic signals are required as a condition of granting the requested permit or are thereafter required to correct motor vehicular safety deficiencies, as determined by the Department, the costs for signal equipment and installation(s) shall be borne by the permittee, its successors and assigns and the Department in its reasonable discretion and only in accordance with the Department's current policy set forth in the Traffic Operations Manual and Permits Manual. Any modifications to the permittee's entrance necessary to accommodate signalization (including necessary easement(s) on private property) shall be the responsibility of the permittee, its successors and assigns, at no expense to the Department.



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APPLICATION FOR ENCROACHMENT PERMIT

	assigns,	by	the	submission	of	а	notarized	statement	as	follows,	"1	(we),
							_, hereby con	sent to the gra	nting of t	he permit re	equeste	d by the
	applicant	along Ro	oute				which permit o	loes affect from	ntage rigi	hts along m	y (our) a	adjacent
				re(s)								oscribed
	and sworn	by					on t	his date				
11.				subject to the ag , except as othe				erfere with any	similar ri	ghts or pern	nit(s) pr	eviously
12.	other ence procedure manner co	gree as a roachme s of the ontrary	a conditi ents in st e Depart to that p	ocumentation was ion of the grant trict accordance ment. Permitte prescribed by the maintenance	ing of t with the e, its su e appro	he per ne subr nccesso nved pe	mit to constru mitted and app ors and assign: ermit, Only no	ct and maintal roved permit s, shall not use mal usage as	in any an documen e facilitie	id all permit station and its s authorize	tted fac the poli d herei	ilities or cies and n in any
13.	permitted defend, pi of the wo undertake employee	facilitie rotect, l rk, encre en pursu s, or co	es or oth ndemnif oachmer ant to th ntractor	and assigns, at her encroachme fy and save harn nt, maintenance he granted pern s. This provision t beyond that ex	nts are nless th , or oth nit, due shall r	remo le Dep ler und to an	ved from the artment from dertaking by th y claimed act of the to the bene	right-of-way a any and all liab e permittee, it or omission by efit of any thir	nd the r ility clain is success the perr d party r	ight-of-way ns and demo sors and ass mittee, its se nor operate	restore ands ari signs, re ervants, to enla	ed, shall sing out lated or agents, arge any
14.	additional restoratio undertake corrective	action I n of the n as ord actions	by the period of	rovision of the permittee, its suc f-way. In the ev d within a reason ndertaken and to ccessors and ass	cessors ent add able tin he Dep	and a litiona ne, the	ssigns, up to ar l actions requi e Department r	nd including the red by the De may in its discre	e remova partment etion cau	al of the end t under the se those or o	roachm permit other ac	ent and are not iditional
15.	law and re	gulation	n, includ	ind assigns, shall ing those impos s of the U.S. Dep	ed purs	uant t	o Title VI of the	Civil Right Ac	t of 1964	(42 U.S.C. §	2000d	
	encroachr	nent aut	thorized	and assigns, agr by the permit to	be rem	oved,		constructed in	connecti	ion with the	reconst	



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APPLICATION FOR ENCROACHMENT PERMIT

- 17. Permittee agrees that the authorized permit is personal to the permittee and shall remain in effect until such time as (a) the permittee's rights to the adjoining real property to have benefitted from the requested encroachment have been relinquished, (b) until all permit obligations have been assumed by appropriate successors and assigns, and (c) unless and until a written release from permit obligations has been granted by the Department. The permit and its requirements shall also bind the real property to have benefitted from the requested encroachment to the extent permitted by law. The permit and the related encroachment become the responsibility of the successors and assigns of the permittee and the successors and assigns of each property owner benefitting from the encroachment, or the encroachment may not otherwise permissibly continue to be maintained on the right-of-way. (Does not apply to utility encroachments serving the general public.)
- 18. If work authorized by the permit is within a highway construction project in the construction phase, it shall be the responsibility of the permittee to make personal contact with the Department's Engineer on the project in order to coordinate all permitted work with the Department's prime contractor on the project.
- This permit is not intended to, nor shall it, affect, alter or alleviate any requirement imposed upon the permittee, its successors and assigns, by any other agency.
- 20. Permittee, its successors and assigns, agree to contain and maintain all dirt, mud, and other debris emanating from the encroachment away from the surrounding right-of-way and the travel way of the highway hereafter and at all times that its obligations under the permit remain in effect.
- 21. Before You Dig: The contractor is instructed to call 1-800-752-6007 to reach KY 811, the One-Call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The contractor should be aware that the owners of underground facilities are not required to be members of the KY 811 One-Call Before U-Dig (BUD) service. The contractor must coordinate excavation with the utility owners, including those whom do not subscribe to KY 811. It may be necessary for the contractor to contact the County Clerk to determine what utility companies have facilities in the area.



To Submit a Locate Request 24 Hours a Day, Seven Days a Week: Call 811 or 800-752-6007

Key Agencies Involved in Construction and Development

There are a number of key agencies involved with construction, development, redevelopment and capital construction projects in Lexington. A summary list of these is posted below.

Key Agencies

Lexington-Fayette Urban County Government (LFUCG)

The governing body of the combined city/county government for the City of Lexington and Fayette County, Kentucky, consisting of an elected mayor and council members.

LFUCG Division of Engineering (DOE)

The Division of Engineering oversees the design and construction of capital infrastructure projects, ensures new development is compliant with the community's standards, and manages construction activities and permitting within the public right-of-way.

LFUCG Division of Water Quality (DWQ)

DWQ provides citizens with sewage conveyance and transmission services, wastewater treatment, and stormwater management services, including wastewater and stormwater capital projects. DWQ also works closely with the Division of Engineering and Division of Environmental Services to ensure compliance with construction permitting, inspection, and enforcement activities.

LFUCG Division of Environmental Services (DES)

Provides a wide range of environmentally-related services to city government and the public, including beautification, urban forestry, greenway management, mowing, enforcement of environmental ordinances, public outreach and education, and internal energy initiatives.

Kentucky Division of Water (KDOW)

KDOW manages, protects, and enhances the quality and quantity of water resources through voluntary, regulatory, and educational programs. KDOW issues and enforces stormwater discharge permits issued to municipalities and construction site operators, and ensures that water quality standards are met.

Kentucky Transportation Cabinet (KYTC)

KYTC plans for, designs, and manages construction and maintenance of roadway and other transportation projects in Kentucky. The cabinet also conducts inspections and enforces state laws and regulations regarding activities that occur on state rights-of-way, including clearing, grading, construction, placement of equipment of materials, and installation of signs, structures, buildings, and other facilities.

Web Links for Additional Information

Planning and project design

- Stormwater Manual 2016*
 - o Stormwater Manual Addendum No. 001
 - <u>Executive Summary Stormwater Management Plan for New Development</u>
 <u>Projects</u> (Stormwater Manual 2016)
 - <u>Executive Summary Stormwater Management Plan for Redevelopment</u>
 <u>Projects (Stormwater Manual 2016)</u>
- Water Quality Volume (WQV) Spreadsheet
- Standard Drawings 2017
- Standard Drawings 2008
- Procedures Manual for Infrastructure Development 2016*
- Geotechnical Manual 2005
- Structures Manual 2005
- Roadway Manual 2005
- Sanitary Sewer and Pumping Station Manual 2009
 - Sanitary Sewer and Pumping Station Manual Amendment No. 1
- Sanitary Sewer TV Inspection Information

Project permitting

- Stormwater Manual 2016*
 - o Stormwater Manual Addendum No. 001
- Land Disturbance Permit Application Form and ESC Plan Checklist
- Summary of Requirements for ESC Plans and Construction BMPs
- Permit Checklist for Commercial and Institutional Development In and Along Streams
- ESC plan and land disturbance permit procedures for:
 - o Residential and Commercial Projects
 - o Water Quality Capital Projects
 - Engineering Capital Projects
 - DWQ Remedial Measures Projects
- Template for Developing ESC / Stormwater Pollution Prevention Plans
- Code of Ordinance Requirements for ESC Plans and Land Disturbance Permits
- Right-of-Way and Surface Cut Permit Portal Division of Engineering (ACCELA)

- Surety Calculation
 - o Procedures
 - o **Spreadsheet**
- Performance Bond Form To Be Used In Conjunction With Letter Of Credit Or Bond
- Procedures for Raising a Sanitary Sewer Manhole Rim

Project construction

- Stormwater Manual 2016*
 - Chapter 11 (Erosion and Sediment Control)
- <u>Summary of Requirements for Erosion and Sediment Control Best Management</u>
 Practices
- Sample Erosion and Sediment Control Self-Inspection Form
- Enforcement Response Plan for Construction Site ESC
- ESC, LDP and site inspection procedures for:
 - o Residential and Commercial Projects
 - o Water Quality Capital Projects
 - Engineering Capital Projects
 - o DWQ Remedial Measures Projects
- Slide Presentation: Conducting Erosion and Sediment Control Inspections
- Brochure: Erosion and Sediment Control BMPs for Small Sites
- Erosion and sediment control videos:
 - o Erosion and Sediment Control Compliance for Homebuilder Sites
 - Silt Fence Installation and Maintenance
- Procedures Manual for Infrastructure Development 2016*
- Construction Inspection Manual 2005
 - o Construction Inspection Manual Amendment No. 1



Lexington-Fayette Urban County Government

Kentucky Environmental Emergency Hotline

Spills •• Hazardous Materials •• Discharges to Water •• Hazardous Air Discharges

Hotline Number for Reporting an Environmental Emergency

24 hours a day, 7 days a week - call:

800-928-2380 or 502-564-2380

The Kentucky Environmental Response Team (ERT) responds to spills and other environmental emergencies. Contact the ERT when an actual spill or release of a hazardous material occurs, or when there appears to be a threat of a severe environmental harm. Environmental damage can sometimes be reduced by a quick response and application of appropriate cleanup techniques.

You must report spills or releases if you possess or control:

- Petroleum or petroleum products. Reportable quantities are <u>25 gallons or more of a petroleum product within a 24-hour period and 75 gallons or more of diesel fuel in a 24-hour period or any amount that creates a visible sheen on surface waters.</u> (KRS 224 01-400)
- Hazardous substances, as listed under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended.
- Extremely hazardous substances designated under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986.
- Nerve and blister agents designated under state law.
- Pollutants or contaminants or any materials that when released into the environment

 may present an imminent or substantial danger to the public health or welfare. (KRS 224.01-400)

Anyone who witnesses a "spill" or "release" of any of the materials mentioned above should immediately call ERT to ensure that the spill is remediated properly.

Also, if you believe the spill, release, or emergency **poses a threat to the public:**

Call 911, then 311

And then call the ERT number above.

Failing to report a release can result in fines of up to \$25,000 per day per violation.